

THIRTEENTH DAY

(Continued)

(Thursday, October 22, 1936)

The House met at 10:00 o'clock a. m., and was called to order by Speaker Stevenson.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, (by unanimous consent) were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Reed of Dallas and Mr. Cowley:

H. B. No. 67, A bill to be entitled "An Act amending and re-enacting Section 36, House Bill No. 521, Chapter 100, Acts 1935, of the Regular Session, Forty-fourth Legislature, relative to the expenditures for the administration of House Bill No. 521, and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Stinson, Mr. Reed of Dallas, Mr. Harris of Dallas, Mr. Collins, Mr. Colquitt and Mr. Hanna:

H. B. No. 68, A bill to be entitled "An Act making it unlawful for any person or persons to fish for, take, catch or attempt to catch any fish in the fresh waters of Dallas County by any net, seine, snag line, trap or any device other than ordinary pole and line, rod and reel, set line, throw line or trot line; providing that on any set line, throw line or trot line hooks shall not be less than three (3) feet apart; making it prima facie evidence of violation of this Act for any person to have in his possession any tackle not authorized herein within two hundred (200) yards of any stream, lake or other fresh waters in said County; providing that it shall be lawful to fish with artificial bait equipped with more than two (2) hooks with pole and line or rod and reel; providing that it shall be lawful to use a minnow seine not more than twenty (20) feet in length for the purpose of taking minnows for bait; prohibiting the taking of any fish other than minnows for bait by use of minnow seines, and providing for the return of all fish so taken immediately to the water; providing size limits and bag limits for fish taken in said County; providing

for the immediate return to the waters of all fish not within the limits prescribed herein; providing a penalty for violation of this Act; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Youngblood:

H. B. No. 69, A bill to be entitled "An Act making it unlawful for any person or persons operating printing establishments to print any kind of political literature without requiring the signature of the person or persons, corporations or associations to be affixed to the order for said printing in all cases whether the transaction be for cash or otherwise; defining political literature; imposing penalty for violating the provisions of this Act, and creating an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Leonard:

H. B. No. 70, A bill to be entitled "An Act to provide for the cession by the State of Texas to the United States of America of all right, title, and interest which the State of Texas may have in and to certain lands in Cameron, and Hidalgo Counties comprising the bed and banks of the Rio Grande, and to certain lands in Cameron, Hidalgo, and Willacy Counties comprising the bed and banks of the Arroyo Colorado; retaining jurisdiction as to certain of such lands in the State of Texas for certain purposes; reserving the rights of the State of Texas, and residents and citizens thereof, to waters of the Rio Grande and the Arroyo Colorado, and in the use thereof, and in the access thereto; and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. Leonard:

H. B. No. 71, A bill to be entitled "An Act relating to drainage districts and providing for the leasing of lands owned by such districts for mineral development purposes and providing the manner in which any and all functions, powers and duties exercised by the Commissioners of such drainage districts may be transferred to, be exercised by and vest in the Commissioners' Court of the County within which such drainage districts are

wholly situated, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. Leonard:

H. B. No. 72, A bill to be entitled "An Act to amend Chapter 20, Acts of the Fourth Called Session of the Forty-third Legislature, empowering counties through their Commissioners' Courts, to provide for annual exhibits of horticultural and agricultural products, live stock and minerals and other products of interest to such counties and in connection therewith to establish and maintain museums, including the erection of the necessary buildings and other improvements, in their own counties or in any other county or city in the United States where fairs or expositions are being held; that several counties may cooperate with each other and participate with local interests; further authorizing incorporated cities, water improvement districts and water control and improvement districts to cooperate with the Commissioners' Courts of such counties, and appropriate moneys, in providing for such exhibits; establishing and maintaining such museums and in the erection of said buildings and improvements and the assembling, erecting and maintaining such horticultural, agricultural, live stock and mineral exhibits; provided nothing herein contained shall be construed as repealing or modifying any of the provisions of Chapter 163, General Laws, Regular Session, Forty-second Legislature, (known as House Bill 312) nor as taking the provisions of this Act out of the limitations of said Chapter 163; and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Leonard:

H. B. No. 73, A bill to be entitled "An Act to authorize the counties, cities, towns, independent school districts, common school districts, water improvement districts, water control and improvement districts, navigation districts, road districts, levee districts, drainage districts, and all other municipal corporations, political subdivisions or districts organized and existing under the Constitution and laws of this State, to convey to the United States of America with or without

monetary consideration, upon request thereof, title to property, lands, or interest in lands owned by such municipal corporations, political subdivisions or districts, to enable any department or establishment of the United States to carry out the provisions of any Act of Congress in aid of navigation, flood control, or improvement of water courses, and in order to accomplish any and all of the purposes specified in Article 5242 of the 1925 Revised Statutes of Texas; and authorizing any and all such counties, cities, towns, and other public municipal corporations and districts above enumerated to convey with or without monetary consideration to any other of the political subdivisions herein enumerated which, by resolution of its governing body, may have heretofore or may hereafter agree to acquire and convey the same, for ultimate conveyance, to the United States of America; validating any such conveyance heretofore made by any such political subdivision; providing that if any section, word, phrase, or clause in this Act be declared unconstitutional for any reason, the remainder of this Act shall not be affected thereby; and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. Payne:

H. B. No. 74, A bill to be entitled "An Act declaring open season on wild squirrel in Kinney County, Texas, and making it lawful to kill wild squirrel in Kinney County, Texas, at all times; and repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Payne:

H. B. No. 75, A bill to be entitled "An Act declaring a closed season on wild Javelina, Bear, Badger, Raccoon and Rock Squirrel south of the Southern Pacific Railroad in Brewster County, Texas, and providing a penalty for violation of this Act, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Bourne:

H. B. No. 76, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the County Court of Red River County, Texas,

and conform the jurisdiction of the District Court of such County to such change, and declaring an emergency."

Referred to the Committee on Judiciary.

LEAVES OF ABSENCE GRANTED

(By unanimous consent.)

Mr. McKee was granted leave of absence for today, on account of illness, on motion of Mr. Hankamer.

Mr. Broyles was granted leave of absence for today, on account of a death in his family, on motion of Mr. Shofner.

CONSIDERATION OF MOTIONS TO INSTRUCT CONFEREES ON HOUSE BILL NO. 8

The House resumed consideration of pending business, same being the following motion offered on yesterday by Mr. Roark, to instruct the conferees on House Bill No. 8:

"I move that the House conferees on House Bill No. 8, be instructed to vote against any provision in said tax bill or any amendment that might be offered in conference committee which would tend to alter the present Old Age Pension set-up or policy."

ROARK,
JONES of Wise,
FAIN,
KEEFE,
FARMER,
VENABLE,
SPEARS,
READER.

Mr. Petsch submitted the following substitute for the motion by Mr. Roark:

"I move that the Conference Committee be instructed only to the extent that it be required to make its report in such time as to have its report mimeographed and on the desks of the members of the Legislature by Monday, October 26, 1936, at 9 a. m."

PETSCH.

Mr. Fain moved to table the substitute motion by Mr. Petsch.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—63

Adkins	Keefe
Alsup	Knetsch
Ash	Lanning
Bradbury	Lindsey
Bradford	Lotief
Butler of Karnes	Luker
Cagle	Mauritz
Calvert	McConnell
Craddock	Morris
Daniel	Newton
Davis	Olsen
Davisson	Palmer
of Eastland	Patterson
Dickison	Quinn
Dunlap of Hays	Reader
Fain	Reed of Bowie
Farmer	Reed of Dallas
Fox	Roach of Hunt
Fuchs	Roark
Glass	Rogers
Hardin	Rutta
Harper	Settle
Harris of Archer	Smith
Head	Spears
Herzik	Stovall
Hodges	Tarwater
Huddleston	Tillery
Hunter	Venable
Hyder	Wells
Jones of Atascosa	Wood of Harrison
Jones of Shelby	Worley
Jones of Wise	Youngblood

Nays—77

Adamson	Greathouse
Aikin	Hankamer
Alexander	Hanna
Atchison	Harris of Dallas
Bergman	Hartzog
Bourne	Hill
Bridgers	Hofheinz
Broadfoot	Holland
Burton	Hoskins
Butler of Brazos	Howard
Caldwell	Hunt
Canon	Jackson
Celaya	James
Collins	Jefferson
Colquitt	Jones of Falls
Cooper	King
Cowley	Lange
Crossley	Latham
Davison of Fisher	Leath
Dunagan	Lemens
Dunlap of Kleberg	Leonard
Duvall	McCalla
Dwyer	McFarland
Fisher	McKinney
Ford	Moffett
Gibson	Moore
Good	Morrison
Graves	Morse

Nicholson	Shofner
Payne	Steward
Petsch	Stinson
Pope	Tennyson
Riddle	Thornton
Roach of Angelina	Waggoner
Roane	Walker
Roberts	Westfall
Russell	Wood of Montague
Scarborough	Young
Sessions	

Absent

Colson	Gray
England	Stanfield
Frazer	

Absent—Excused

Broyles	McKee
Lucas	Padgett

Question recurring on the substitute motion by Mr. Petsch, yeas and nays were demanded.

The substitute motion was adopted by the following vote:

Yeas—79

Adamson	Hofheinz
Aikin	Holland
Alexander	Hoskins
Atchison	Howard
Bergman	Hunt
Bourne	Jackson
Bridgers	James
Broadfoot	Jefferson
Burton	Jones of Falls
Butler of Brazos	King
Caldwell	Lange
Canon	Latham
Celaya	Leath
Collins	Lemens
Colquitt	Leonard
Cooper	McCalla
Cowley	McFarland
Crossley	McKinney
Davison of Fisher	Moffett
Dunagan	Moore
Dunlap of Kleberg	Morse
Duvall	Nicholson
Dwyer	Payne
Fisher	Petsch
Ford	Pope
Gibson	Reed of Dallas
Good	Riddle
Graves	Roach of Angelina
Greathouse	Roane
Hankamer	Roberts
Hanna	Rogers
Harris of Dallas	Russell
Hartzog	Scarborough
Head	Sessions
Hill	Shofner

Steward	Walker
Stinson	Westfall
Tennyson	Wood of Montague
Thornton	Young
Waggoner	

Nays—61

Adkins	Keefe
Alsup	Knetsch
Ash	Lanning
Bradbury	Lindsey
Bradford	Lotief
Butler of Karnes	Luker
Cagle	Mauritz
Calvert	McConnell
Craddock	Morris
Daniel	Morrison
Davis	Newton
Dickison	Olsen
Dunlap of Hays	Patterson
Fain	Quinn
Farmer	Reader
Fox	Reed of Bowie
Frazer	Roach of Hunt
Fuchs	Roark
Glass	Rutta
Gray	Settle
Hardin	Smith
Harper	Spears
Harris of Archer	Stovall
Herzik	Tarwater
Hodges	Tillery
Huddleston	Venable
Hunter	Wells
Hyder	Wood of Harrison
Jones of Atascosa	Worley
Jones of Shelby	Youngblood
Jones of Wise	

Absent

Colson	England
Davison	Palmer
of Eastland	Stanfield

Absent—Excused

Broyles	McKee
Lucas	Padgett

The motion as substituted, was then adopted.

Mr. Petsch moved to reconsider the vote by which the substitute motion was adopted, and to table the motion to reconsider.

The motion to table prevailed.

REASONS FOR VOTE

I vote no on substitute motion by Mr. Petsch to the Roark motion on House Bill No. 8, for the reason that I think the Committee should be instructed not to write a bill with the Small amendment therein.

I do not think the House has had the time to consider the amendment by Senator Small, therefore do not believe that this double barrel proposition should be submitted with the tax measure.

JONES of Atascosa.

I have voted against the Petsch substitute that provided that the Conference Committee on House Bill No. 8 should not be instructed as to the Small amendment, which provided for the repeal of the Old Age Assistance Law, known as House Bill No. 26 of the Second Called Session of the Forty-fourth Legislature.

I voted against this substitute for the reason that it relinquishes control of the House over the amendment of the Old Age Assistance Law. I do not believe that legislation should be enacted by Conference Committees.

The Small amendment to House Bill No. 8 changing the Old Age Assistance Law is subversive of the rights of the old people of this State and is not in compliance with the constitutional amendment that was voted by the people more than four to one.

If the Conference Committee adopts the Small amendment or anything similar to it, then only those that are paupers will get any assistance.

I further object to the Small amendment, because it placed it in the hands of the Board of Control, a Board that is already overburdened and again we will have the old relief set-up that brought so much suffering in the State of Texas in its administration.

The old people of this State should have a commission that is independent and that controls the situation for their benefit, while the Old Age Assistance Law ought to be amended, there should be great deliberation on the part of the House for this amendment.

But, as long as the lobbyists have had their way, and are now in the saddle; and since the Governor and the Lieutenant Governor sat with the Speaker on the rostrum while the above vote was being taken, I can only enter my protest and preserve this record.

FARMER.

I do not believe it is fair to the people to have the Small amendment

attached to the revenue bill, and on this account I could not support it.

I believe the deliberalization of the Old Age Pension should be in a separate bill to give the people an opportunity to express themselves and let the Legislature work on that subject separately, but it has been attached to our revenue bill, and neither the Legislature nor the people have had an opportunity to express themselves on the subject.

As you will remember, when the Old Age Assistance Amendment was adopted to our Constitution, it was adopted by a large majority. The voters believed that it was for everybody over sixty-five years of age, and that is the reason they voted for it so strongly. That is why I believe the people should have an opportunity to express themselves on this subject before the Legislature takes all of the privilege from them in deliberalizing it.

I believe that we should have this amendment re-submitted to the people for their vote, and then we could safely act on it according to the wishes of the people.

Therefore, one of my reasons for voting against the amendment was because it was attached to our tax bill, and the other was due to the fact that the Old Age Assistance Amendment was adopted by such an overwhelming vote, I feel I should represent the majority of the people.

HERZIK.

CONFERENCE COMMITTEE ON HOUSE BILL NO. 8

The Speaker announced the appointment of the following Conference Committee on House Bill No. 8:

Mr. James, Mr. Frazer, Mr. Hankamer, Mr. Good and Mr. McKinney.

RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled resolutions:

S. C. R. No. 6, Granting Tom S. Mann permission to sue the State.

S. C. R. No. 14, Authorizing the use of certain State Highway equipment.

H. C. R. No. 19, Providing for distribution of certain Journals.

MESSAGE FROM THE SENATE

Austin, Texas, October 22, 1936.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

S. C. R. No. 13, Relative to the State Departments cooperating with Rural Electrification Administration.

S. B. No. 17, A bill to be entitled "An Act creating a Special Road Law for Collin County, Texas; etc., and declaring an emergency."

S. B. No. 18, A bill to be entitled "An Act to create a court to be known as the County Court of Grayson County-at-Law; to diminish the jurisdiction of the County Court of Grayson County, and the judge thereof; to define the jurisdiction of the County Court of Grayson County-at-Law; to fix the terms thereof, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

SENATE BILL NO. 19 ON
SECOND READING

Mr. Roark moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 19 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—127

Adamson	Collins
Adkins	Colquitt
Aikin	Colson
Alexander	Cooper
Alsup	Cowley
Ash	Craddock
Atchison	Daniel
Bergman	Davis
Bourne	Davison of Fisher
Bradbury	Davison
Bradford	of Eastland
Bridgers	Dickison
Broadfoot	Dunagan
Burton	Dunlap of Hays
Butler of Karnes	Dunlap of Kleberg
Cagle	Dwyer
Caldwell	Fain
Calvert	Farmer
Canon	Fisher
Celaya	Ford

Fox	McFarland
Frazer	McKinney
Fuchs	Moffett
Gibson	Moore
Glass	Morris
Graves	Morrison
Gray	Morse
Greathouse	Olsen
Hankamer	Patterson
Hanna	Payne
Harper	Petsch
Harris of Archer	Pope
Harris of Dallas	Quinn
Hartzog	Reader
Herzik	Reed of Bowie
Hill	Reed of Dallas
Hodges	Riddle
Hofheinz	Roach of Angelina
Holland	Roach of Hunt
Hoskins	Roane
Howard	Roark
Huddleston	Rogers
Hunt	Russell
Hunter	Rutta
Hyder	Scarborough
Jackson	Settle
James	Shofner
Jefferson	Smith
Jones of Atascosa	Spears
Jones of Falls	Steward
Jones of Shelby	Stinson
Jones of Wise	Stovall
Keefe	Tarwater
King	Tennyson
Knetsch	Thornton
Lange	Tillery
Lanning	Venable
Latham	Waggoner
Lemens	Wells
Leonard	Westfall
Lotief	Wood of Harrison
Luker	Wood of Montague
McCalla	Worley
McConnell	Youngblood

Nays—4

Lindsey	Sessions
Nicholson	Young

Absent

Butler of Brazos	Leath
Crossley	Mauritz
Duvall	Newton
England	Palmer
Good	Roberts
Hardin	Stanfield
Head	Walker

Absent—Excused

Broyles	McKee
Lucas	Padgett

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 19, A bill to be entitled "An Act making it lawful to hunt wounded wild deer with one dog in the Counties of Liberty and Hardin, Texas."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 19 ON THIRD READING

The Speaker then laid Senate Bill No. 19 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—111

Adamson	Graves
Adkins	Gray
Aikin	Greathouse
Alexander	Hanna
Alsup	Hardin
Ash	Harper
Atchison	Harris of Archer
Bergman	Harris of Dallas
Bourne	Hartzog
Bradbury	Herzik
Bradford	Hill
Bridgers	Hodges
Broadfoot	Hofheinz
Burton	Holland
Butler of Karnes	Hoskins
Cagle	Howard
Calvert	Huddleston
Canon	Hunt
Celaya	Hunter
Colquitt	Hyder
Colson	Jackson
Cooper	Jefferson
Cowley	Jones of Atascosa
Craddock	Jones of Falls
Crossley	Jones of Shelby
Daniel	Jones of Wise
Davis	Keefe
Davison of Fisher	King
Dickison	Knetsch
Dunagan	Lanning
Dunlap of Hays	Latham
England	Luker
Fain	McCalla
Farmer	McConnell
Fisher	McFarland
Ford	McKinney
Fox	Moffett
Frazer	Moore
Fuchs	Morris
Gibson	Morrison
Glass	Morse
Good	Newton

Olsen	Settle
Patterson	Smith
Payne	Spears
Petsch	Steward
Pope	Stinson
Quinn	Stovall
Reader	Tennyson
Reed of Bowie	Thornton
Reed of Dallas	Tillery
Riddle	Waggoner
Roach of Angelina	Westfall
Roach of Hunt	Wood of Harrison
Roark	Wood of Montague
Russell	

Nays—3

Lindsey	Sessions
Nicholson	

Present—Not Voting

Venable

Absent

Butler of Brazos	Mauritz
Caldwell	Palmer
Collins	Roane
Davisson	Roberts
of Eastland	Rogers
Dunlap of Kleberg	Rutta
Duvall	Scarborough
Dwyer	Shofner
Hankamer	Stanfield
Head	Tarwater
James	Walker
Lange	Wells
Leath	Worley
Lemens	Young
Leonard	Youngblood
Lotief	

Absent—Excused

Broyles	McKee
Lucas	Padgett

HOUSE BILL NO. 54 ON SECOND READING

(By unanimous consent.)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 54, A bill to be entitled "An Act to amend Sections 6, 9, 10, 11, 13, and 17 of Article No. 6243a, Title 109, page 1565, Chapter 387, Section 1, Acts of 1935, being House Bill No. 122, passed by the 44th Legislature, First Called Session, relating to eligibility to participate in Pension Fund; extending and providing the time of making application for membership and participation therein; providing the amount of

pension benefits to members of the Pension Fund and beneficiaries; providing a savings clause and a clause which repeals all Acts and laws heretofore made in conflict herewith including city ordinances; and declaring an emergency."

The bill was read second time.

Mr. Hankamer offered the following amendment to the bill:

Amend House Bill No. 54, by adding at the end of the first paragraph of Section 17 following the word "effect" the following:

"and this Act shall in no wise change, amend or repeal any part of any Fireman's and Policeman's Pension Law other than such law as is provided in House Bill 122, Acts of the First Called Session of the Forty-fourth Legislature."

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 54 was then passed to engrossment.

HOUSE BILL NO. 54 ON THIRD READING

Mr. Collins moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 54 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—124

Adamson	Collins
Adkins	Colquitt
Aikin	Colson
Alexander	Cooper
Alsup	Cowley
Ash	Crossley
Atchison	Daniel
Bergman	Davis
Bourne	Davison of Fisher
Bradbury	Dickison
Bradford	Dunagan
Bridgers	Dunlap of Hays
Broadfoot	Dunlap of Kleberg
Burton	England
Butler of Brazos	Fain
Butler of Karnes	Farmer
Cagle	Fisher
Caldwell	Ford
Calvert	Fox
Canon	Frazer
Celaya	Fuchs

Gibson	Moore
Glass	Morris
Good	Morrison
Graves	Morse
Gray	Newton
Greathouse	Nicholson
Hankamer	Olsen
Hanna	Patterson
Harper	Payne
Harris of Archer	Petsch
Harris of Dallas	Quinn
Hartzog	Reed of Bowie
Herzik	Reed of Dallas
Hill	Riddle
Hodges	Roach of Angelina
Hofheinz	Roach of Hunt
Holland	Roane
Hoskins	Roark
Howard	Roberts
Huddleston	Russell
Hunt	Rutta
Hunter	Sessions
Hyder	Settle
Jackson	Shofner
James	Smith
Jones of Falls	Spears
Jones of Shelby	Steward
Jones of Wise	Stinson
Keefe	Stovall
King	Tarwater
Knetsch	Tennyson
Lanning	Thornton
Latham	Tillery
Leonard	Venable
Lotief	Waggoner
Luker	Wells
McCalla	Westfall
McConnell	Wood of Harrison
McFarland	Wood of Montague
McKinney	Worley
Moffett	Youngblood

Nays—1

Lindsey

Absent

Craddock	Lemens
Davisson	Mauritz
of Eastland	Palmer
Duvall	Pope
Dwyer	Reader
Hardin	Rogers
Head	Scarborough
Jefferson	Stanfield
Jones of Atascosa	Walker
Lange	Young
Leath	

Absent—Excused

Broyles	McKee
Lucas	Padgett

The Speaker then laid House Bill No. 54 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—126

Adamson	Hunt
Adkins	Hunter
Aikin	Hyder
Alexander	Jackson
Alsup	James
Ash	Jefferson
Atchison	Jones of Atascosa
Bergman	Jones of Falls
Bourne	Jones of Shelby
Bradbury	Jones of Wise
Bradford	Keefe
Bridgers	King
Broadfoot	Knetsch
Burton	Lanning
Butler of Brazos	Latham
Butler of Karnes	Leonard
Cagle	Lotief
Caldwell	Luker
Canon	Mauritz
Celaya	McCalla
Collins	McConnell
Colquitt	McFarland
Colson	McKinney
Cooper	Moffett
Cowley	Moore
Craddock	Morris
Crossley	Morrison
Davis	Morse
Davison of Fisher	Newton
Dickison	Nicholson
Dunagan	Olsen
Dunlap of Hays	Patterson
Dunlap of Kleberg	Payne
Duvall	Petsch
England	Quinn
Fain	Reader
Farmer	Reed of Bowie
Fisher	Reed of Dallas
Ford	Riddle
Frazer	Roach of Angelina
Fuchs	Roach of Hunt
Gibson	Roark
Glass	Roberts
Good	Russell
Gray	Rutta
Greathouse	Sessions
Hankamer	Settle
Hanna	Shofner
Hardin	Smith
Harper	Spears
Harris of Dallas	Steward
Hartzog	Stinson
Herzik	Stovall
Hill	Tarwater
Hodges	Tennyson
Hofheinz	Thornton
Holland	Tillery
Hoskins	Waggoner
Howard	Walker
Huddleston	Wells

Westfall
Wood of Harrison Young
Wood of Montague Youngblood

Nays—1

Lindsey

Present—Not Voting

Venable

Absent

Calvert	Lange
Daniel	Leath
Davisson	Lemens
of Eastland	Palmer
Dwyer	Pope
Fox	Roane
Graves	Rogers
Harris of Archer	Scarborough
Head	Stanfield

Absent—Excused

Broyles	McKee
Lucas	Padgett

HOUSE BILL NO. 63 ON SECOND READING

Mrs. Moore moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 63 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas— 130

Adamson	Davison of Fisher
Adkins	Dickison
Aikin	Dunagan
Alexander	Dunlap of Hays
Alsup	Dunlap of Kleberg
Ash	Duvall
Atchison	England
Bergman	Fain
Bourne	Farmer
Bradbury	Fisher
Bradford	Ford
Bridgers	Fox
Broadfoot	Frazer
Burton	Fuchs
Butler of Karnes	Gibson
Cagle	Glass
Canon	Good
Celaya	Graves
Colquitt	Gray
Colson	Greathouse
Cooper	Hankamer
Cowley	Hanna
Craddock	Hardin
Crossley	Harper
Davis	Harris of Archer

Harris of Dallas	Newton
Hartzog	Olsen
Herzik	Patterson
Hill	Payne
Hodges	Petsch
Hofheinz	Quinn
Holland	Reader
Hoskins	Reed of Bowie
Howard	Reed of Dallas
Huddleston	Riddle
Hunt	Roach of Angelina
Hunter	Roach of Hunt
Hyder	Roane
Jackson	Roark
James	Roberts
Jefferson	Rogers
Jones of Atascosa	Russell
Jones of Falls	Rutta
Jones of Shelby	Scarborough
Jones of Wise	Sessions
Keefe	Settle
King	Shofner
Knetsch	Smith
Lange	Spears
Lanning	Steward
Latham	Stinson
Leonard	Stovall
Lindsey	Tarwater
Lotief	Tennyson
Luker	Thornton
Mauritz	Tillery
McCalla	Venable
McConnell	Waggoner
McFarland	Walker
McKinney	Wells
Moffett	Westfall
Moore	Wood of Harrison
Morris	Wood of Montague
Morrison	Worley
Morse	Youngblood

Absent

Butler of Brazos	Head
Caldwell	Leath
Calvert	Lemens
Collins	Nicholson
Daniel	Palmer
Davisson	Pope
of Eastland	Stanfield
Dwyer	Young

Absent—Excused

Broyles	McKee
Lucas	Padgett

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 63, A bill to be entitled "An Act amending Article 3188 of the Revised Civil Statutes of Texas, 1925, designating State Hospitals to which insane, epileptic, and feeble-

minded persons may be committed for care or treatment and providing for the transfer of patients from one institution to another, and providing for the commitment and transfer of such patients to the United States Veterans' Administration or such other agency or department of the United States as will accept such patients for care or treatment, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 63 ON THIRD READING

The Speaker then laid House Bill No. 63 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—132

Adamson	Gibson
Adkins	Glass
Aikin	Good
Alexander	Graves
Alsup	Gray
Ash	Greathouse
Atchison	Hankamer
Bergman	Hanna
Bourne	Hardin
Bradbury	Harper
Bradford	Harris of Archer
Bridgers	Harris of Dallas
Broadfoot	Hartzog
Burton	Herzik
Butler of Karnes	Hill
Cagle	Hodges
Caldwell	Hofheinz
Canon	Holland
Celaya	Hoskins
Collins	Howard
Colson	Huddleston
Cooper	Hunt
Cowley	Hunter
Craddock	Hyder
Crossley	Jackson
Davis	James
Davison of Fisher	Jefferson
Dickison	Jones of Atascosa
Dunagan	Jones of Falls
Dunlap of Hays	Jones of Shelby
Dunlap of Kleberg	Jones of Wise
Duvall	Keefe
England	King
Fain	Knetsch
Farmer	Lange
Fisher	Lanning
Ford	Latham
Fox	Leonard
Frazer	Lindsey
Fuchs	Lotief

Luker	Roberts
Mauritz	Rogers
McCalla	Russell
McConnell	Rutta
McFarland	Scarborough
McKinney	Sessions
Moffett	Settle
Moore	Shofner
Morris	Smith
Morrison	Spears
Morse	Steward
Newton	Stinson
Olsen	Stovall
Patterson	Tarwater
Payne	Tennyson
Petsch	Thornton
Pope	Tillery
Quinn	Venable
Reader	Waggoner
Reed of Bowie	Walker
Reed of Dallas	Wells
Riddle	Westfall
Roach of Angelina	Wood of Harrison
Roach of Hunt	Wood of Montague
Roane	Worley
Roark	Youngblood

Absent

Butler of Brazos	Head
Calvert	Leath
Colquitt	Lemens
Daniel	Nicholson
Davisson	Palmer
of Eastland	Stanfield
Dwyer	Young

Absent—Excused

Broyles	McKee
Lucas	Padgett

SENATE BILLS ON FIRST
READING

The following Senate Bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

S. B. No. 17, to the Committee on Highways and Motor Traffic.

S. B. No. 18, to the Committee on Judiciary.

HOUSE BILL NO. 64 ON SECOND
READING

Mr. Hardin moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 64 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—118

Adamson	James
Adkins	Jefferson
Aikin	Jones of Falls
Alexander	Jones of Shelby
Alsup	Jones of Wise
Ash	King
Atchison	Knetsch
Bourne	Lanning
Bradbury	Latham
Bradford	Leonard
Bridgers	Lindsey
Broadfoot	Lotief
Burton	McCalla
Butler of Brazos	McConnell
Butler of Karnes	McFarland
Cagle	McKinney
Caldwell	Moffett
Canon	Moore
Cooper	Morris
Cowley	Morrison
Craddock	Morse
Crossley	Nicholson
Davison of Fisher	Olsen
Dickison	Patterson
Dunlap of Hays	Payne
Dunlap of Kleberg	Petsch
Duvall	Pope
Dwyer	Quinn
England	Reed of Bowie
Fain	Reed of Dallas
Farmer	Riddle
Fisher	Roach of Angelina
Ford	Roach of Hunt
Fox	Roane
Fuchs	Roark
Gibson	Roberts
Good	Rogers
Graves	Russell
Gray	Rutta
Greathouse	Scarborough
Hankamer	Sessions
Hanna	Settle
Hardin	Shofner
Harper	Smith
Harris of Archer	Steward
Harris of Dallas	Stinson
Hartzog	Stovall
Herzik	Tarwater
Hill	Tennyson
Hodges	Thornton
Hofheinz	Tillery
Holland	Waggoner
Hoskins	Walker
Howard	Wells
Huddleston	Westfall
Hunt	Wood of Harrison
Hunter	Wood of Montague
Hyder	Worley
Jackson	Youngblood

Present—Not Voting

Venable

Absent

Bergman	Jones of Atascosa
Calvert	Keefe
Celaya	Lange
Collins	Leath
Colquitt	Lemens
Colson	Luker
Daniel	Mauritz
Davis	Newton
Davisson	Palmer
of Eastland	Reader
Dunagan	Spears
Frazer	Stanfield
Glass	Young
Head	

Absent—Excused

Broyles	McKee
Lucas	Padgett

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 64, A bill to be entitled "An Act to amend House Bill No. 423, Acts of the Forty-fourth Legislature, Regular Session, by providing that Limestone County be excepted from the provisions of said bill, and declaring an emergency."

The bill was read second time.

Mr. Frazer offered the following amendment to the bill:

Amend House Bill No. 64 by adding the word "Robertson" after the word "Limestone" whenever same appears, and amend caption to conform.

The amendment was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 64 was then passed to engrossment.

HOUSE BILL NO. 64 ON THIRD READING

The Speaker then laid House Bill No. 64 before the House on its third reading and final passage.

The bill was read third time and was passed.

BILL ORDERED NOT PRINTED

On motion of Mr. Rogers, Senate Bill No. 20 was ordered not printed.

RECESS

On motion of Mr. Alexander, the House at 12:10 o'clock p. m., took recess to 2:00 o'clock p. m., today.

AFTERNOON SESSION

The House met at 2:00 o'clock p. m., and was called to order by the Speaker.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, (by unanimous consent) were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. McKee, Mr. Quinn and Mr. Nicholson:

H. B. No. 77, A bill to be entitled "An Act relinquishing to the City of Port Arthur, Texas, all right and title and interest of the State of Texas in and to certain lands described in Section 1, House Bill No. 66, Chapter 22, Acts Fifth Called Session, Forty-first Legislature, and ratifying their validated patent issued by the State of Texas under and by virtue of said Act, and repealing Section 4a of said House Bill No. 66, and declaring an emergency."

Referred to the Committee on Public Lands and Buildings.

By Mr. Bradford:

H. B. No. 78, A bill to be entitled "An Act making an appropriation of Twelve Hundred Thirty Seven (\$1237.00) Dollars to the Crane County Independent School District in order to refund to said District over payment of interest on school bonds made by said District on bonds held by the State Permanent School Fund, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Dunlap of Hays:

H. B. No. 79, A bill to be entitled "An Act making an appropriation for the use of the Guadalupe-Blanco River Authority, providing that it shall be repaid to the State of Texas, and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Mauritz:

H. B. No. 80, A bill to be entitled "An Act prohibiting the running of deer with dogs in the counties of Jackson and Wharton; making same a misdemeanor and providing a penalty for the violation of said Act, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Jones of Shelby:

H. B. No. 81, A bill to be entitled "An Act providing a sixty-day open season for the taking of wild coon, o'possum, and mink in Shelby County, Texas, which period shall be from December first of each year to February first of the following year; and providing open season during the month of December of each year for the taking of wild quail in Shelby County, Texas; providing that it shall be unlawful to use a trap, snare or deadfall for the taking or attempting to take such animals; providing a penalty; repealing all laws in conflict herewith, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Calvert and Mr. Cowley:

H. B. No. 82, A bill to be entitled "An Act to amend Article 1813 of the Revised Civil Statutes of 1925 so as to provide for the appointment of a Special Commissioner to serve in the place of any member of a Court of Civil Appeals, who shall be disabled by illness, or otherwise, and whose disability shall be certified to the Governor by the Chief Justice, or any two members, of a Court of Civil Appeals; providing for the compensation of such Commissioner; and providing for an emergency."

Referred to the Committee on Judiciary.

By Mr. Lanning:

H. B. No. 83, A bill to be entitled "An Act to amend Section 1, Chapter 12, Senate Bill No. 39, Forty-first Legislature, First Called Session; providing for the exception of the Clear Fork of the Brazos River from the Act; describing the size of the mesh of seines and the length of fish that can be taken; providing for a penalty, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

BILLS ORDERED NOT PRINTED

On motion of Mr. Bourne, House Bill No. 76 was ordered not printed.

On motion of Mr. Stinson, House Bill No. 68 was ordered not printed.

On motion of Mr. Davis, House Bills Nos. 43 and 44 were ordered not printed.

On motion of Mr. Youngblood, House Bill No. 69 was ordered not printed.

SENATE BILL NO. 15 ON SECOND READING

Mr. Crossley moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 15 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—110

Adamson	Good
Adkins	Graves
Aikin	Hankamer
Ash	Hanna
Bergman	Hardin
Bourne	Harper
Bradbury	Harris of Archer
Bradford	Harris of Dallas
Bridgers	Hartzog
Broadfoot	Head
Burton	Herzik
Butler of Karnes	Hodges
Cagle	Hofheinz
Calvert	Holland
Canon	Hoskins
Collins	Howard
Colquitt	Hunter
Colson	Hyder
Cooper	Jackson
Cowley	James
Craddock	Jefferson
Crossley	Jones of Falls
Daniel	Jones of Shelby
Davis	Jones of Wise
Dickison	Keefe
Dunlap of Hays	King
Dunlap of Kleberg	Knetsch
England	Lanning
Fain	Latham
Farmer	Leath
Fisher	Lemens
Ford	Leonard
Fox	Lotief
Fuchs	Mauritz
Gibson	McCalla
Glass	McConnell

McFarland	Roane
McKinney	Roark
Moffett	Rutta
Moore	Scarborough
Morris	Sessions
Morrison	Settle
Morse	Smith
Newton	Steward
Olsen	Stinson
Patterson	Tarwater
Payne	Tennyson
Petsch	Thornton
Pope	Tillery
Quinn	Venable
Reader	Walker
Reed of Bowie	Wood of Harrison
Reed of Dallas	Wood of Montague
Riddle	Worley
Roach of Angelina	Youngblood

Nays—1

Lindsey

Absent

Alexander	Jones of Atascosa
Alsup	Lange
Atchison	Luker
Butler of Brazos	Nicholson
Caldwell	Palmer
Celaya	Roach of Hunt
Davison of Fisher	Roberts
Davisson	Rogers
of Eastland	Russell
Dunagan	Shofner
Duvall	Spears
Dwyer	Stanfield
Gray	Stovall
Greathouse	Waggoner
Hill	Wells
Huddleston	Westfall
Hunt	Young

Absent—Excused

Broyles	McKee
Frazer	Padgett
Lucas	

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 15, A bill to be entitled "An Act to create Road District No. 1-A in Cass County, Texas, etc."

The bill was read second time and was passed to third reading.

SENATE BILL NO. 15 ON THIRD READING

The Speaker then laid Senate Bill No. 15 before the House on its third reading and final passage.

The bill was read third time, and was passed.

LEAVES OF ABSENCE GRANTED

(By unanimous consent.)

Mr. Frazer, Mr. James, Mr. Hankamer, Mr. Good, and Mr. McKinney were granted leaves of absence for this afternoon, on account of important committee work on House Bill No. 8.

SENATE BILL NO 14 ON SECOND READING

Mr. Roane moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 14 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—88

Adamson	Huddleston
Adkins	Hyder
Aikin	Jackson
Ash	James
Atchison	Jefferson
Bergman	Jones of Falls
Bourne	Jones of Shelby
Bradbury	Jones of Wise
Bradford	King
Bridgers	Knetsch
Butler of Karnes	Lange
Calvert	Lanning
Canon	Latham
Colson	Lemens
Cowley	Leonard
Craddock	Lotief
Daniel	Mauritz
Davisson	McCalla
of Eastland	McFarland
Dickison	McKinney
Dunlap of Hays	Moffett
Dunlap of Kleberg	Moore
Fain	Morse
Fisher	Nicholson
Ford	Payne
Fox	Pope
Fuchs	Quinn
Gibson	Reader
Glass	Reed of Bowie
Graves	Reed of Dallas
Hanna	Roach of Hunt
Hardin	Roane
Harper	Roark
Harris of Archer	Rogers
Harris of Dallas	Russell
Hartzog	Rutta
Head	Scarborough
Hill	Settle
Hofheinz	Smith
Holland	Spears
Hoskins	Stinson

Tarwater
Tennyson
Thornton
Waggoner

Wood of Montague
Worley
Youngblood

Nays—16

Alsup
Cagle
Davison of Fisher
Farmer
Hodges
Hunt
Lindsey
Luker

Morrison
Olsen
Patterson
Sessions
Stovall
Venable
Walker
Wood of Harrison

Present—Not Voting

Herzik

Absent

Alexander
Broadfoot
Burton
Butler of Brazos
Caldwell
Celaya
Collins
Colquitt
Cooper
Crossley
Davis
Dunagan
Duvall
Dwyer
England
Gray
Greathouse
Howard
Hunter

Jones of Atascosa
Keefe
Leath
McConnell
Morris
Newton
Palmer
Petsch
Riddle
Roach of Angelina
Roberts
Shofner
Stanfield
Steward
Tillery
Wells
Westfall
Young

Absent—Excused

Broyles
Frazer
Good
Hankamer

Lucas
McKee
Padgett

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 14, A bill to be entitled "An Act amending Section I of Chapter 4 of the Acts of the Second Called Session of the Forty-third Legislature, 1934; and declaring an emergency."

The bill was read second time, and was passed to third reading.

SENATE BILL NO. 14 ON THIRD READING

The Speaker then laid Senate Bill No. 14 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—113

Adamson
Adkins
Aikin
Alsup
Ash
Atchison
Bergman
Bourne
Bradbury
Bradford
Bridgers
Burton
Butler of Karnes
Cagle
Caldwell
Canon
Celaya
Collins
Colson
Cooper
Craddock
Crossley
Daniel
Davis
Davison of Fisher
Davisson
of Eastland
Dickison
Dunlap of Hays
England
Fain
Fisher
Ford
Fox
Fuchs
Gibson
Glass
Good
Graves
Greathouse
Hanna
Hardin
Harper
Harris of Archer
Harris of Dallas
Hartzog
Head
Herzik
Hill
Hodges
Hofheinz
Holland
Hoskins
Howard
Huddleston
Hyder
Jackson

Jefferson
Jones of Falls
Jones of Wise
King
Knetsch
Lange
Lanning
Latham
Leath
Lemens
Lotief
Mauritz
McCalla
McConnell
McFarland
McKinney
Moffett
Moore
Morris
Morrison
Morse
Nicholson
Olsen
Palmer
Patterson
Payne
Petsch
Pope
Quinn
Reader
Reed of Bowie
Reed of Dallas
Roach of Angelina
Roach of Hunt
Roane
Roark
Rogers
Russell
Rutta
Settle
Shofner
Smith
Spears
Steward
Stinson
Tarwater
Tennyson
Thornton
Tillery
Venable
Waggoner
Walker
Wood of Harrison
Wood of Montague
Worley
Young
Youngblood

Nays—6

Farmer
Hunt
Lindsey

Luker
Sessions
Stovall

Absent	
Alexander	Jones of Atascosa
Broadfoot	Jones of Shelby
Butler of Brazos	Keefe
Calvert	Leonard
Colquitt	Newton
Cowley	Riddle
Dunagan	Roberts
Dunlap of Kleberg	Scarborough
Duvall	Stanfield
Dwyer	Wells
Gray	Westfall
Hunter	

Absent—Excused	
Broyles	Lucas
Frazer	McKee
Hankamer	Padgett
James	

MESSAGE FROM THE SENATE

Austin, Texas, October 22, 1936.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House, that the Senate has granted the request of the House for a conference committee to adjust the differences between the two Houses on House Bill No. 8.

The following have been appointed on the part of the Senate:

Senators,

SMALL,
DEBERRY,
HOLBROOK,
MOORE,
REDDITT.

Respectfully,

BOB BARKER,
Secretary of the Senate.

HOUSE BILL NO. 61 ON SECOND READING

Mr. Rutta moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 61 be placed on its second reading and passage to engrossment, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—108

Adamson	Bourne
Adkins	Bradbury
Aikin	Bradford
Alsup	Bridgers
Ash	Broadfoot
Atchison	Burton

Butler of Karnes	Lanning
Cagle	Latham
Calvert	Leonard
Canon	Lotief
Celaya	Mauritz
Collins	McConnell
Colquitt	McFarland
Colson	McKinney
Cowley	Moffett
Daniel	Morris
Davis	Morrison
Davison of Fisher	Morse
Davisson	Newton
of Eastland	Nicholson
Dickison	Olsen
Dunlap of Kleberg	Patterson
England	Payne
Fain	Reader
Farmer	Reed of Dallas
Fisher	Roach of Angelina
Ford	Roach of Hunt
Gibson	Roane
Glass	Roark
Greathouse	Roberts
Hanna	Rogers
Hardin	Russell
Harris of Archer	Rutta
Harris of Dallas	Scarborough
Hartzog	Settle
Head	Shofner
Herzik	Spears
Hill	Steward
Hodges	Stinson
Hofheinz	Stovall
Hoskins	Tarwater
Howard	Tennyson
Huddleston	Thornton
Hunt	Tillery
Hunter	Venable
Hyder	Waggoner
Jackson	Walker
Jefferson	Wells
Jones of Falls	Westfall
Jones of Shelby	Wood of Harrison
Jones of Wise	Wood of Montague
Keefe	Worley
King	Young
Knetsch	Youngblood
Lange	

Nays—3

Lemens	Sessions
Lindsey	

Absent

Alexander	Duvall
Bergman	Dwyer
Butler of Brazos	Fox
Caldwell	Fuchs
Cooper	Graves
Craddock	Gray
Crossley	Harper
Dunagan	Holland
Dunlap of Hays	Jones of Atascosa

Leath	Pope
Luker	Quinn
McCalla	Reed of Bowie
Moore	Riddle
Palmer	Smith
Petsch	Stanfield

Absent—Excused

Broyles	James
Frazer	Lucas
Good	McKee
Hankamer	Padgett

The Speaker then laid before the House, on its second reading and passage to engrossment,

H. B. No. 61, A bill to be entitled "An Act to amend Section 3, of Chapter 89 of the Special Laws of the Regular Session of the Thirty-eighth Legislature, known as an Act to provide a more efficient road system for Colorado County, so as to provide for the laying off of the said County into convenient road precincts, the numbering thereof, describing such precincts by boundaries, providing for the manner of discontinuance of roads and parts of roads, and providing for reversion of the rights of way of roads and/or parts of roads, under certain conditions, in certain cases, and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 61 ON THIRD READING

The Speaker then laid House Bill No. 61 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—107

Adamson	Canon
Adkins	Celaya
Aikin	Colson
Alsup	Cooper
Ash	Cowley
Atchison	Daniel
Bergman	Davis
Bourne	Davissou
Bradbury	of Eastland
Bradford	Dickison
Bridgers	England
Broadfoot	Fain
Burton	Farmer
Butler of Karnes	Fisher
Cagle	Ford
Caldwell	Fox
Calvert	Fuchs

Gibson	Morris
Greathouse	Morrison
Hanna	Morse
Hardin	Newton
Harper	Nicholson
Harris of Archer	Olsen
Harris of Dallas	Patterson
Hartzog	Reader
Head	Reed of Bowie
Herzik	Reed of Dallas
Hill	Roach of Hunt
Hodges	Roane
Hofheinz	Roberts
Hoskins	Rogers
Howard	Russell
Huddleston	Rutta
Hunt	Scarborough
Hunter	Settle
Jackson	Shofner
Jefferson	Smith
Jones of Falls	Spears
Jones of Shelby	Steward
Jones of Wise	Stinson
Keefe	Stovall
King	Tarwater
Knetsch	Tennyson
Lange	Thornton
Lanning	Tillery
Latham	Venable
Lemens	Waggoner
Leonard	Wells
Lotief	Westfall
Mauritz	Wood of Harrison
McConnell	Wood of Montague
McFarland	Worley
McKinney	Young
Moffett	Youngblood

Nays—2

Lindsey

Sessions

Absent

Alexander	Hyder
Butler of Brazos	Jones of Atascosa
Collins	Leath
Colquitt	Luker
Craddock	McCalla
Crossley	Moore
Davison of Fisher	Palmer
Dunagan	Payne
Dunlap of Hays	Petsch
Dunlap of Kleberg	Pope
Duvall	Quinn
Dwyer	Riddle
Glass	Roach of Angelina
Graves	Roark
Gray	Stanfield
Holland	Walker

Absent—Excused

Broyles	James
Frazer	Lucas
Good	McKee
Hankamer	Padgett

HOUSE BILL NO. 51 ON SECOND
READING

(By unanimous consent.)

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 51, A bill to be entitled "An Act to provide for the assumption of bonded indebtedness by districts whose boundaries have been extended or enlarged; prescribing the method of holding elections on the question of the assumption of such indebtedness and the levying and collecting of a tax to pay the principal and interest thereof; imposing the duty on the governing board of any such district to levy and collect such taxes; validating assumption elections heretofore held in instances wherein said elections were carried by a majority vote; declaring such indebtedness to be the indebtedness of such district as enlarged or extended; imposing the duty on the governing board of any such district to levy and collect taxes to pay the principal and interest thereof; making applicable to such indebtedness the law authorizing school districts to issue refunding bonds; validating refunding procedure heretofore attempted by such districts; providing that the validating provision of this Act shall not apply to assumption elections or to refunding proceedings which have been held invalid in judgments by Courts of competent jurisdiction or where litigation is pending at the time this Act becomes effective; providing that a successor district shall be liable for the indebtedness of its predecessor district in instances wherein the boundaries of said districts are coterminous without the necessity of an election of any character; imposing the duty on the governing board of such district to levy and collect taxes to pay principal and interest of such indebtedness; validating the attempted issuance of refunding bonds heretofore authorized by such districts; and declaring an emergency."

The bill was read second time, and was passed to engrossment.

HOUSE BILL NO. 51 ON THIRD
READING

Mr. Tennyson moved that the constitutional rule, requiring bills to be read on three several days, be sus-

pending, and that House Bill No. 51 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—98

Adamson	Jefferson
Adkins	Jones of Falls
Aikin	Jones of Shelby
Alsup	Jones of Wise
Ash	Keefe
Atchison	King
Bourne	Lange
Bradbury	Lanning
Bradford	Latham
Bridgers	Lotief
Broadfoot	Luker
Burton	Mauritz
Butler of Karnes	McConnell
Cagle	McFarland
Caldwell	McKinney
Calvert	Moffett
Canon	Morrison
Celaya	Morse
Collins	Newton
Colquitt	Nicholson
Colson	Olsen
Cooper	Patterson
Cowley	Quinn
Daniel	Reader
Davis	Reed of Bowie
Davison of Fisher	Reed of Dallas
Davisson	Roach of Angelina
of Eastland	Roach of Hunt
Dunlap of Hays	Roberts
Dunlap of Kleberg	Rogers
Fain	Russell
Farmer	Rutta
Fisher	Scarborough
Ford	Settle
Fox	Shofner
Fuchs	Smith
Gibson	Spears
Glass	Steward
Greathouse	Tarwater
Hanna	Tennyson
Hardin	Thornton
Harris of Archer	Tillery
Harris of Dallas	Waggoner
Head	Wells
Herzik	Westfall
Hill	Wood of Harrison
Hofheinz	Wood of Montague
Hoskins	Worley
Hyder	Youngblood
Jackson	

Nays—9

Bergman	Lindsey
Dickison	Sessions
Hunter	Stinson
Knetsch	Stovall
Lemens	

Absent

Alexander	Jones of Atascosa
Butler of Brazos	Leath
Craddock	Leonard
Crossley	McCalla
Dunagan	Moore
Duvall	Morris
Dwyer	Palmer
England	Payne
Graves	Petsch
Gray	Pope
Harper	Riddle
Hartzog	Roane
Hodges	Roark
Holland	Stanfield
Howard	Venable
Huddleston	Walker
Hunt	Young

Absent—Excused

Broyles	James
Frazer	Lucas
Good	McKee
Hankamer	Padgett

The Speaker then laid House Bill No. 51 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—105

Adamson	Ford
Adkins	Fuchs
Aikin	Gibson
Alsup	Glass
Ash	Greathouse
Atchison	Hanna
Bourne	Hardin
Bradbury	Harper
Bridgers	Harris of Archer
Broadfoot	Harris of Dallas
Burton	Head
Butler of Karnes	Herzik
Cagle	Hill
Caldwell	Hodges
Canon	Hofheinz
Celaya	Hoskins
Collins	Howard
Colquitt	Huddleston
Colson	Hunt
Cowley	Hunter
Cooper	Hyder
Daniel	Jackson
Davis	Jefferson
Davison of Fisher	Jones of Falls
Davison	Jones of Shelby
of Eastland	Jones of Wise
Dunlap of Hays	Keefe
England	King
Fain	Lange
Farmer	Lanning
Fisher	Latham

Lotief	Roark
Mauritz	Roberts
McCalla	Rogers
McConnell	Russell
McFarland	Rutta
McKinney	Scarborough
Moffett	Settle
Morris	Steward
Morrison	Stinson
Morse	Stovall
Newton	Tarwater
Nicholson	Tennyson
Olsen	Thornton
Palmer	Tillery
Patterson	Waggoner
Quinn	Wells
Reader	Westfall
Reed of Bowie	Wood of Harrison
Reed of Dallas	Wood of Montague
Roach of Angelina	Worley
Roach of Hunt	Young
Roane	Youngblood

Nays—6

Bergman	Lemens
Dickison	Lindsey
Knetsch	Sessions

Absent

Alexander	Jones of Atascosa
Bradford	Leath
Butler of Brazos	Leonard
Calvert	Luker
Craddock	Moore
Crossley	Payne
Dunagan	Petsch
Dunlap of Kleberg	Pope
Duvall	Riddle
Dwyer	Shofner
Fox	Smith
Graves	Spears
Gray	Stanfield
Hartzog	Venable
Holland	Walker

Absent—Excused

Broyles	James
Frazer	Lucas
Good	McKee
Hankamer	Padgett

SENATE BILL NO. 20 ON SECOND READING

Mr. Rogers moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that Senate Bill No. 20 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—84

Adamson	Jones of Shelby
Adkins	Jones of Wise
Ash	King
Atchison	Lange
Bourne	Lanning
Bradbury	Latham
Bradford	Lemens
Bridgers	Lotief
Butler of Karnes	Mauritz
Canon	McCalla
Celaya	Moffett
Collins	Morrison
Cowley	Morse
Crossley	Newton
Daniel	Nicholson
Davis	Olsen
Davison of Fisher	Patterson
Davisson	Quinn
of Eastland	Reader
Dickison	Reed of Dallas
Dunlap of Hays	Riddle
Dunlap of Kleberg	Roach of Hunt
Fain	Roane
Ford	Roark
Fox	Roberts
Fuchs	Rogers
Gibson	Rutta
Glass	Scarborough
Hanna	Settle
Hardin	Smith
Harper	Spears
Harris of Archer	Steward
Harris of Dallas	Tarwater
Hartzog	Tennyson
Head	Thornton
Hodges	Tillery
Hoskins	Wells
Howard	Westfall
Huddleston	Wood of Montague
Hunter	Worley
Hyder	Young
Jefferson	Youngblood
Jones of Falls	

Nays—19

Aikin	Luker
Bergman	Morris
Broadfoot	Reed of Bowie
Burton	Russell
Cagle	Sessions
Colson	Stinson
Craddock	Stovall
Farmer	Waggoner
Knetsch	Wood of Harrison
Lindsey	

Present—Not Voting

McConnell

Absent

Alexander	Butler of Brazos
Alsop	Caldwell

Calvert	Jackson
Colquitt	Jones of Atascosa
Cooper	Keefe
Dunagan	Leath
Duvall	Leonard
Dwyer	McFarland
England	Moore
Fisher	Palmer
Graves	Payne
Gray	Petsch
Greathouse	Pope
Herzik	Roach of Angelina
Hill	Shofner
Hofheinz	Stanfield
Holland	Venable
Hunt	Walker

Absent—Excused

Broyles	Lucas
Frazer	McKee
Good	McKinney
Hankamer	Padgett
James	

The Speaker then laid before the House, on its second reading and passage to third reading,

S. B. No. 20, A bill to be entitled "An Act validating all proceedings heretofore had by the governing bodies of all counties, cities and towns in connection with the issuance of bonds, etc."

The bill was read second time.

Mr. Rogers offered the following committee amendments to the bill:

Amend Senate Bill No. 20, by striking out the words "cities and towns," wherever they appear.

Amend Senate Bill No. 20, by inserting after the word "counties," in line 2, Section 1, the following: "between June 19, 1936, and August 17, 1936, both inclusive."

Amend Senate Bill No. 20, Section 1, page 2, by adding at the end of the last paragraph of Section 1 the following: "or that may be filed sixty (60) days after the effective date hereof and shall not validate any levy assessment of valuation made or placed on any property where any suit, as aforementioned, shall be or shall have been filed within the time aforementioned."

The amendments were severally adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

Senate Bill No. 20 was then passed to third reading.

SENATE BILL NO. 20 ON THIRD READING

The Speaker then laid Senate Bill No. 20 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—88

Adamson	Jones of Falls
Ash	Jones of Shelby
Atchison	Jones of Wise
Bourne	King
Bradford	Lange
Bridgers	Latham
Broadfoot	Lemens
Butler of Karnes	Mauritz
Canon	McConnell
Celaya	McKinney
Collins	Morse
Cooper	Newton
Cowley	Nicholson
Crossley	Olsen
Daniel	Patterson
Davis	Payne
Davison of Fisher	Pope
Davison	Quinn
of Eastland	Reader
Dunlap of Hays	Reed of Dallas
Fain	Roach of Angelina
Fisher	Roach of Hunt
Ford	Roark
Fox	Roberts
Fuchs	Rogers
Gibson	Russell
Glass	Rutta
Greathouse	Settle
Hanna	Shofner
Hardin	Smith
Harper	Spears
Harris of Archer	Steward
Harris of Dallas	Stinson
Hartzog	Tarwater
Head	Tennyson
Hill	Thornton
Hodges	Tillery
Hofheinz	Waggoner
Holland	Wells
Hoskins	Westfall
Huddleston	Wood of Montague
Hunter	Worley
Hyder	Young
Jackson	Youngblood
Jefferson	

Nays—20

Adkins	Cagle
Aikin	Craddock
Bradbury	Dickison
Burton	Farmer

Howard	Morris
Keefe	Morrison
Knetsch	Reed of Bowie
Lindsey	Sessions
Lotief	Stovall
Luker	Wood of Harrison

Absent

Alexander	Jones of Atascosa
Alsup	Lanning
Bergman	Leath
Butler of Brazos	Leonard
Caldwell	McCalla
Calvert	McFarland
Colquitt	Moffett
Colson	Moore
Dunagan	Palmer
Dunlap of Kleberg	Petsch
Duvall	Riddle
Dwyer	Roane
England	Scarborough
Graves	Stanfield
Gray	Venable
Herzik	Walker
Hunt	

Absent—Excused

Broyles	James
Frazer	Lucas
Good	McKee
Hankamer	Padgett

MESSAGE FROM THE SENATE

Austin, Texas, October 22, 1936.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

S. B. No. 16, A bill to be entitled "An Act ratifying, confirming and validating all acts of county boards of trustees in laying out or attempting to establish, combine, abolish or change any independent or common school districts, and all elections held in any county in this State for the purpose of laying out, establishing, combining, abolishing or changing any such independent or common school districts, and declaring an emergency."

H. B. No. 63, A bill to be entitled "An Act amending Article 3188 of the Revised Civil Statutes of Texas, 1925, designating State Hospitals to which insane, epileptic, and feeble-minded persons may be committed for care or treatment and providing for the transfer of patients from one institution to another, and providing for the commitment and transfer of such

patients to the United States Veterans' Administration or such other agency or department of the United States as will accept such patients for care or treatment, and declaring an emergency."

S. B. No. 22, A bill to be entitled "An Act providing for a civil service system in all counties, etc., and declaring an emergency."

S. B. No. 24, A bill to be entitled "An Act to validate all Consolidated Rural High School Districts, etc., and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and its caption had been read, the following enrolled bill:

H. B. No. 63, "An Act amending Article 3188 of the Revised Civil Statutes of Texas, 1925, designating State Hospitals to which insane, epileptic, and feeble-minded persons may be committed for care or treatment, and providing for the transfer of patients from one institution to another, and providing for the commitment and transfer of such patients to the United States Veterans' Administration or such other agency or department of the United States as will accept such patients for care or treatment, and declaring an emergency."

MESSAGE FROM THE SENATE

Austin, Texas, October 22, 1936.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

S. B. No. 25, A bill to be entitled "An Act providing an open season for hunting wild quail in certain counties, and declaring an emergency."

S. B. No. 26, A bill to be entitled "An Act relinquishing to the City of Port Arthur, all right and title and interest of the State in certain lands, and declaring an emergency."

H. B. No. 54, A bill to be entitled "An Act to amend Sections 6, 9, 10, 11, 13 and 17 of Article No. 6243a, Title 109, page 1565, Chapter 387, Section 1, Acts of 1935, being House Bill No. 122, passed by the Forty-

fourth Legislature, First Called Session, relating to eligibility to participate in Pension Fund, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.

CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 5

Mr. Davisson of Eastland submitted the following Conference Committee Report on Senate Bill No. 5:

Committee Room

Austin, Texas, October 20, 1936.

Hon. Walter Woodul, President of the Senate.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the House and Senate on Senate Bill No. 5, beg leave to submit the following report:

We have had Senate Bill No. 5 under consideration, and recommend the adoption of the attached bill.

On the part of the Senate,

SHIVERS,
RAWLINGS,
BURNS,
NELSON.

On the part of the House,

DAVISSON of Eastland,
LEMENS,
LATHAM,
NICHOLSON,
JEFFERSON.

"SENATE BILL NO. 5

A BILL

To Be Entitled

An Act creating and providing for an Unemployment Compensation System for the State of Texas; imposing a tax on employers of eight or more persons; making certain exemptions; providing for the enforcement and administration of this Act, and prescribing penalties and priorities in aid thereof; authorizing and providing for certain expenditures and disbursements; creating and providing for the Unemployment Compensation Commission; prescribing its powers and duties; providing for a State Employment Service; defining certain terms; provid-

ing that the Act shall be severable; providing for the termination of the Act under certain circumstances, and declaring an emergency."

Sec. 1 Whereas, Unemployment has become rampant during the economic depression, jeopardizing the general welfare of the people of Texas, and because insurance has not been provided for the unemployed workers during more plentiful years, the families of the working people of Texas have as a consequence suffered and the taxpayers of this State have been unusually burdened with the necessity of supporting on relief or otherwise a great many people whose normal activities make them self-supporting. Out of the economic depression has come the realization of the inadequacy of private and public charities, whose helpfulness is not to be disregarded. As a result of this inadequacy, increasing demands have continuously been made upon both the State and the Federal government for unemployment relief. During the past, no orderly and carefully planned program has been inaugurated to meet this need.

Whereas, The experience of the past few years has reflected the economic unsoundness of being required, during periods of economic difficulty, to pay large sums of money for direct relief and to support other emergency programs which might have been avoided by the payment of small orderly contributions during periods of economic well-being, had a definite program of unemployment compensation been in force.

Whereas, It is detrimental to the moral, civil, and physical well-being of individuals to be sustained by charities and public grants. Past experience has further shown that oftentimes workers are unemployed through no fault of their own and of necessity are required to live by public charities. It is the purpose of this legislation, and the Legislature declares it to be the purpose of the State by this enactment to provide an orderly system of contributions for the care of the justifiably unemployed during times of economic difficulty, thereby preserving and establishing self-respect, reliance, and good citizenship.

Sec. 2. The Legislature therefore declares that, in its considered judgment, the public good and the general welfare of the citizens of this State require the enactment of this measure,

for the compulsory setting aside of unemployment reserves to be used for the benefit of persons unemployed through no fault of their own. Therefore,

Be it Enacted by the Legislature of the State of Texas:

BENEFITS

Sec. 3 (a) Payment of Benefits.—Twenty-four months after the date when contributions first accrue under this Act, benefits shall become payable from the fund. All benefits shall be paid through employment offices, in accordance with such regulations as the commission may prescribe.

(b) Weekly Benefit Amount for Total Unemployment.—Each eligible individual who is totally unemployed (as defined in section 19 (1)) in any week shall be paid with respect to such week, benefits (computed to the next highest multiple of twenty cents) at the rate of fifty per centum of his full-time weekly wages but not more than \$15 per week, nor less than either \$5 or three-fourths of his full-time weekly wage, whichever is the lesser.

(c) Weekly Benefit for Partial Unemployment.—Each eligible individual who is partially unemployed (as defined in section 19 (j)) in any week shall be paid with respect to such week a partial benefit. Such partial benefit shall be an amount (computed to the next highest multiple of 20 cents) equal to the difference between his weekly benefit amount (as defined in section 19 (q)) and five-sixths of his wages (as defined in section 19 (n)) for such week.

(d) Ratio Provisions and Duration of Benefits.—Benefits shall be paid each unemployed and eligible individual, with respect to his total or partial unemployment:

(1) In the ratio of one-fourth of his weekly benefit amount to each uncharged week of employment occurring, except as otherwise provided in section 4 (e), within the one hundred and four consecutive weeks preceding the first week in any continuous period of unemployment, except that his aggregate benefits thus payable within any period of fifty-two consecutive weeks shall not exceed fifteen times his weekly benefit amount; and after such individual has exhausted his rights to benefits under this provision.

(2) In the ratio of one-twentieth of his weekly benefit amount to each uncharged week of employment occurring within the two hundred and sixty consecutive weeks preceding the first week in any continuous period of unemployment.

(e) Charging of Benefits Against Past Weeks of Employment.—Each individual's benefits shall be limited in accordance with the ratio provisions of subsection (d) of this section and shall be charged against those of his weeks of employment, against which benefits have not previously been charged hereunder, in the inverse chronological order in which such weeks occurred. In no event shall any one calendar week be chargeable as more than one week of employment (as defined in section 19 (p)). If during any one calendar week an individual has rendered services for more than one employer, his benefits shall be chargeable only against the week of employment for the employer by whom the plurality of his wages for such week was payable. If the amount chargeable against a particular week of employment under the provisions of subsections (d) (1) or (d) (2) of this section equals, respectively, less than one-fourth or less than one-twentieth of the weekly benefit amount, the manner in which and the extent to which such week of employment shall be charged shall be in accordance with general rules prescribed by the commission.

(f) Determination of Full-Time Weekly Wage.—The "full-time weekly wage" of any individual means the product obtained by multiplying his "hourly rate of earnings" by his "full-time weekly hours", both of which shall be determined and redetermined at reasonable intervals in accordance with rules prescribed by the commission:

(1) An individual's "full-time weekly hours" shall be determined as follows: There shall be added together the hours worked by the individual in all those weeks of employment, occurring within the fifty-two weeks preceding the first week in any continuous period of unemployment, in which he worked thirty hours or more. Such total hours shall be divided by the number of such weeks, and the resulting weekly average shall constitute the individual's

full-time weekly hours, until a subsequent determination is made. If the application of the above method would be unreasonable or arbitrary as applied to a particular individual, the "full-time weekly hours" for such individual shall be determined in accordance with fair and reasonable methods prescribed by the commission.

(2) An individual's "hourly rate of earnings" shall be determined by dividing his total wages for all his weeks of employment during which he was employed for at least his full-time weekly hours, occurring within the thirteen weeks preceding the first week in any continuous period of unemployment, by the total number of hours of employment within such weeks; the quotient so obtained shall be his hourly rate of earnings until a subsequent determination is made: Provided, That if the application of such method of determination would be unreasonable or arbitrary as applied to a particular individual, the "hourly rate of earnings" of such individual shall be determined in accordance with fair and reasonable methods prescribed by the commission.

(3) When by reason of the shortness of the time of the employment of the employee or another employee engaged in the same class of work in the manner and for the time specified in the above subsections (f) (1) and (2), or where for other good and sufficient reasons it is found impracticable to apply the above subsections (f) (1) and (2), then the commission may, after fair notice and opportunity to be heard, determine the full-time weekly hours customarily worked, or the hourly rate of earnings customarily received (or both), by individuals employed in any trade or industry or any type of employment therein, in this State, in any part of this State or in any establishment in this State. Such determination shall be made and published in accordance with the provisions of this Act for general rules. Thereafter, until such determination is amended or rescinded, such weekly hours or such hourly rate of earnings, or both, shall be deemed to be the full-time weekly hours or the hourly rate of earnings, or both, of any individual employed in such trade or industry or type of employment or establishment for the greater part of his working time occurring within the

fifty-two consecutive weeks preceding the first week in any continuous period of unemployment: Provided, That upon showing of good cause therefor, the commission may exempt any such individual from the application of such determination if it finds that the application thereof to him would be impracticable or inequitable.

BENEFIT ELIGIBILITY CONDITIONS

Sec. 4. An unemployed individual shall be eligible to receive benefits with respect to any week only if the commission finds that—

(a) He has registered for work at and thereafter has continued to report at an employment office in accordance with such regulations as the commission may prescribe.

(b) He has made a claim for benefits in accordance with the provisions of section 6 (a) of this Act.

(c) He is able to work, and is available for work.

(d) Prior to any week for which he claims benefits for total unemployment, he has been totally unemployed for a waiting period of two weeks with respect to which he received no benefits but during which he was eligible for benefits in all other respects, except for the requirements of subsections (b) and (e) of this section, and was not disqualified for benefits under any provision of section 5 of this Act. Such two weeks of total unemployment need not be consecutive, but shall be accumulated over the period of thirteen consecutive weeks preceding any week for which he claims benefits, provided that this requirement shall not interrupt the payment of benefits for consecutive weeks of unemployment; and provided further that such two weeks of total unemployment occur after benefits first could become payable to any individual under this Act.

(e) He has had at least thirteen weeks of employment within the fifty-two consecutive weeks preceding the first week in any continuous period of unemployment; provided that if the commission finds that during such period of fifty-two weeks or the period of one hundred and four weeks provided in section 3 (d) any individual has been incapable of work because of some physical or mental disability, or has been engaged for the greater part of his working time in

any week in self-employment or in performing services not subject to this Act, such period of fifty-two weeks for the purposes of this subsection or the said period of one hundred and four weeks for the purposes of subsection (d) of section 3, or both such periods, as the case may require, shall be extended by the duration of such incapacity, self-employment or services. No such extension shall exceed fifty-two additional weeks.

DISQUALIFICATION FOR BENEFITS

Sec. 5. An individual shall be disqualified for benefits—

(a) For the week in which he has left work voluntarily without good cause, if so found by the commission, and for the three weeks which immediately follow such week (in addition to the waiting period), as determined by the commission according to the circumstances in each case.

(b) For the week in which he has been discharged for misconduct connected with his work, if so found by the commission, and for not less than the one nor more than the nine weeks which immediately follow such week (in addition to the waiting period), as determined by the commission in each case according to the seriousness of the misconduct.

(c) If the commission finds that he has failed, without good cause, either to apply for available, suitable work when so directed by the employment office or the commission or to accept suitable work when offered him, or to return to his customary self-employment (if any) when so directed by the commission. Such disqualification shall continue for the week in which such failure occurred and for not less than the one nor more than the five weeks which immediately follow such week (in addition to the waiting period) as determined by the commission according to the circumstances in each case.

(1) In determining whether or not any work is suitable for an individual, the commission shall consider the degree of risk involved to his health, safety, and morals, his physical fitness and prior training, his experience and prior earnings, his length of unemployment and prospects for securing local work in his customary occupation, and the distance of the available work from his residence.

(2) Notwithstanding any other provisions of this Act, no work shall be deemed suitable and benefits shall not be denied under this Act to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (a) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (b) if the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; (c) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona-fide labor organization.

(d) For any week with respect to which the commission finds that his total or partial unemployment is due to a stoppage of work which exists because of a labor dispute at the factory, establishment, or other premises at which he is or was last employed, provided that this subsection shall not apply if it is shown to the satisfaction of the commission that—

(1) He is not participating in or financing or directly interested in the labor dispute which caused the stoppage of work; and

(2) He does not belong to a grade or class of workers of which, immediately before the commencement of the stoppage, there were members employed at the premises at which the stoppage occurs, any of whom are participating in or financing or directly interested in the dispute: Provided, That if in any case separate branches of work which are commonly conducted as separate businesses in separate premises are conducted in separate departments of the same premises, each such department shall, for the purpose of this subsection, be deemed to be a separate factory, establishment, or other premises.

(e) For any week with respect to which he is receiving or has received remuneration in the form of—

(1) Wages in lieu of notice;

(2) Compensation for temporary partial disability, temporary total disability or total and permanent disability under the Workmen's Compensation Law of any State or under a similar law of the United States; or

(3) Old-age benefits under Title II of the Social Security Act, as

amended, or similar payments under any Act of Congress: Provided, That if such remuneration is less than the benefits which would otherwise be due under this Act, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such remuneration.

CLAIMS FOR BENEFITS

Sec. 6. (a) Filing.—Claims for benefits shall be made in accordance with such regulations as the commission may prescribe. Each employer shall post and maintain printed statements of such regulations in places readily accessible to individuals in his service and shall make available to each such individual at the time he becomes unemployed, a printed statement of such regulations. Such printed statements shall be supplied by the commission to each employer without cost to him.

(b) Initial Determination.—A representative designated by the commission, and hereinafter referred to as a deputy, shall promptly examine the claim and, on the basis of the facts found by him, shall either determine whether or not such claim is valid, and if valid, the week with respect to which benefits shall commence, the weekly benefit amount payable and the maximum duration thereof, or shall refer such claim or any question involved therein to an appeal tribunal or to the commission, which shall make its determinations with respect thereto in accordance with the procedure described in subsection (c) of this section, except that in any case in which the payment or denial of benefits will be determined by the provisions of section 5 (d) of this Act, the deputy shall promptly transmit his full finding of fact with respect to that subsection to the commission, which, on the basis of the evidence submitted and such additional evidence as it may require, shall affirm, modify, or set aside such findings of fact and transmit to the deputy a decision upon the issues involved under that subsection. The deputy shall promptly notify the claimant and any other interested party of the decision and the reasons therefor. Unless the claimant or any such interested party, within ten calendar days after the delivery of such notification, or within twelve calendar days after such notification was mailed to his last-

known address, files an appeal from such decision, such decision shall be final and benefits shall be paid or denied in accordance therewith. If an appeal is duly filed, benefits with respect to the period prior to the final determination of the commission, shall be paid only after such determination: Provided, That if an appeal tribunal affirms a decision of a deputy, or the commission affirms a decision of an appeal tribunal, allowing benefits, such benefits shall be paid regardless of any appeal which may thereafter be taken but if such decision is finally reversed, no employer's account shall be charged with benefits so paid.

(c) Appeals.—Unless such appeal is withdrawn, an appeal tribunal, after affording the parties reasonable opportunity for fair hearing, shall affirm or modify the findings of fact and decision of the deputy. The parties shall be duly notified of such tribunal's decision, together with its reasons therefor, which shall be deemed to be the final decision of the commission, unless within ten days after the date of notification or mailing of such decision, further appeal is initiated pursuant to subsection (e) of this section.

(d) Appeal Tribunals.—To hear and decide disputed claims, the commission, if it is necessary to insure prompt disposal of cases on appeal, shall establish one or more impartial appeal tribunals consisting in each case of either a salaried examiner or a body consisting of three members, one of whom shall be a salaried examiner, who shall serve as chairman, one of whom shall be a representative of employers and the other of whom shall be a representative of labor; each of the latter two members shall serve at the pleasure of the commission and be paid a fee of not more than ten dollars (\$10) per day of active service on such tribunal plus necessary expenses. No person shall participate on behalf of the commission in any case in which he is an interested party. The commission may designate alternates to serve in the absence or disqualification of any member of an appeal tribunal. The chairman shall act alone in the absence or disqualification of any other member and his alternates. In no case shall the hearings proceed unless the chairman of the appeal tribunal is present.

(e) Commission Review. — The commission may on its own motion affirm, modify, or set aside any decision of an appeal tribunal on the basis of the evidence previously submitted in such case, or direct the taking of additional evidence, or may permit any of the parties to such decision to initiate further appeals before it. The commission shall permit such further appeal by any of the parties interested in a decision of an appeal tribunal which is not unanimous and by the deputy whose decision has been over-ruled or modified by an appeal tribunal. The commission may remove to itself or transfer to another appeal tribunal the proceedings on any claim pending before an appeal tribunal. Any proceeding so removed to the commission shall be heard by a quorum thereof in accordance with the requirements in subsection (c) of this section. The commission shall promptly notify the interested parties of its findings and decision, and shall send a certified copy of its order to all interested parties.

(f) Procedure.—The manner in which disputed claims shall be presented, the reports thereon required from the claimant and from employers, and the conduct of hearings and appeals shall be in accordance with rules prescribed by the commission for determining the rights of the parties. A full and complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at any hearing upon a disputed claim shall be recorded, but need not be transcribed unless the disputed claim is further appealed.

(g) Witness Fees. — Witnesses subpoenaed pursuant to this section shall be allowed fees at a rate fixed by the commission. Such fees and all expenses of proceedings involving disputed claims shall be deemed a part of the expense of administering this Act.

(h) Appeal to Courts.—Any decision of the commission in the absence of an appeal therefrom as herein provided shall become final ten days after the date of notification or mailing thereof, and judicial review thereof shall be permitted only after any party claiming to be aggrieved thereby has exhausted his remedies before the commission as provided by this Act. The commission shall be deemed to be a party to any judicial

action involving any such decision and may be represented in any such judicial action by any qualified attorney who is a regular salaried employee of the commission and has been designated and appointed for that purpose by the Attorney General of Texas.

(i) Court Review. — Within ten days after the decision of the commission has become final, any party aggrieved thereby may secure judicial review thereof by commencing an action in any court of competent jurisdiction in the county of claimant's residence against the commission for the review of its decision, in which action any other party to the proceeding before the commission shall be made a defendant. Such trial shall be de novo. In such action, a petition which need not be verified, but which shall state the grounds upon which a review is sought, shall be served upon a member of the commission or upon such person as the commission may designate and such service shall be deemed completed service on all parties, but there shall be left with the party so served as many copies of the petition as there are defendants and the commission shall forthwith mail one such copy to each such defendant. Such action shall be given precedence over all other civil cases except cases arising under the Workmen's Compensation Law of this State. An appeal may be taken from the decision of the trial court, in the same manner, as is provided in other civil cases. It shall not be necessary, in any judicial proceeding under this section, to enter exceptions to the rulings of the commission and no bond shall be required for entering such appeal. Upon the final determination of such judicial proceeding, the commission shall enter an order in accordance with such determination. A petition for judicial review shall not act as a supersedeas.

CONTRIBUTIONS

Sec. 7 (a) Payment.—(1) On and after January 1, 1936, contributions shall accrue and become payable by each employer for each calendar year in which he is subject to this Act, with respect to wages payable for employment (as defined in section 19 (g)) occurring during such calendar year. Such contributions shall become due and be paid by

each employer to the commission for the fund in accordance with such regulation as the commission may prescribe, and shall not be deducted, in whole or in part, from the wages of individuals in his employ.

(2) In the payment of any contributions, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

(b) Rate of Contribution.—Each employer shall pay contributions equal to the following percentages of wages payable by him with respect to employment:

(1) Nine-tenths of 1 per centum with respect to employment during the calendar year 1936;

(2) One and eight-tenths per centum with respect to employment during the calendar year 1937;

(3) Two and seven-tenths per centum with respect to employment during the calendar years 1938, 1939, 1940; and

(4) With respect to employment after December 31, 1940, the percentage determined pursuant to subsection (c) of this section.

(c) Future Rates Based on Benefit Experience.—The commission shall maintain a separate account for each employer, crediting his account with all the contribution which he has paid on his own behalf during each calendar year, and charging his account with all amounts paid within such year as benefits which, under section 3 of this Act, were charged against weeks of employment in his service. But nothing in this Act shall be construed to grant any employer or individuals in his service prior claims or rights to the amount paid by him to the unemployment compensation fund either on his own behalf or on behalf of such individuals. All contributions to the fund shall be pooled and available to pay benefits to any individual entitled thereto under this Act, irrespective of the source of such contributions. The commission shall, for the year 1941 and for each calendar year thereafter, classify employers in accordance with their actual experience in the payment of contributions on their own behalf and with respect to benefits charged against their ac-

counts, with a view to fixing such contribution rates as will reflect such experience. The commission shall determine the contribution rate of each employer in accordance with the following requirements:

(1) Each employer's rate shall be 2 7-10 per centum, unless and until there shall have been three calendar years throughout which an individual in his employ could have received benefits if unemployed and eligible.

(2) Each employer's rate for the twelve months commencing January 1 of any calendar year shall be determined on the basis of his record up to the beginning of such calendar year. If, at the beginning of such calendar year, the total of all his contributions, paid on his own behalf, for all past years exceeds the total benefits charged to his account for all such years, his contribution rate shall be—

(A) One and eight-tenths per centum, if such excess equals or exceeds $7\frac{1}{2}$ but is less than 10 per centum of his average annual pay roll (as defined in section 19 (a) (2));

(B) Nine-tenths of 1 per centum, if such excess equals or exceeds 10 per centum of his average annual pay roll.

If the total of his contributions, paid on his own behalf for all past periods or for the past sixty consecutive calendar months, whichever period is more advantageous to such employer for the purposes of this paragraph, is less than the total benefits charged against his account during the same period, his rate shall be 3 6-10 per centum, unless such employer shows to the satisfaction of the commission that such experience was due to an act of God, fire, or other catastrophe or act of civil or military authority, directly affecting the place in which individuals were employed by him, in which case his rate shall be 2 7-10 per centum.

Sec. 8. (a) Any employing unit which is or becomes an employer subject to this Act within any calendar year shall be subject to this Act during the whole of such calendar year.

(b) Except as otherwise provided in subsection (c) of this section, an employing unit shall cease to be an employer subject to this Act only as of the 1st day of January of any calendar year, if it files with the commission, prior to the 5th day of January of such year, a written application for termination of coverage, and the commission finds that there were no twenty different days, each day being in a different week within the preceding calendar year, within which such employing unit employed eight or more individuals in employment subject to this Act. For the purpose of this subsection, the two or more employing units mentioned in paragraph (2) or (3) or (4) of section 19 (f) shall be treated as a single employing unit.

(c) (1) An employing unit, not otherwise subject to this Act, which files with the commission its written election to become an employer subject hereto for not less than two calendar years, shall, with the written approval of such election by the commission, become an employer subject hereto to the same extent as all other employers, as of the date stated in such approval, and shall cease to be subject hereto as of January 1 of any calendar year subsequent to such two calendar years, only if at least thirty days prior to such 1st day of January, it has filed with the commission a written notice to that effect.

(2) Any employing unit for which services that do not constitute employment as defined in this Act are performed, may file with the commission a written election that all such services performed by individuals in its employ in one or more distinct establishments or places of business shall be deemed to constitute employment for all the purposes of this Act for not less than two calendar years. Upon the written approval of such election by the commission, such services shall be deemed to constitute employment subject to this Act from and after the date stated in such approval. Such services shall cease to be deemed employment subject hereto as of January 1 of any calendar year subsequent to such two calendar years, only if at least thirty days prior to such 1st day of January

such employing unit has filed with the commission a written notice to that effect.

UNEMPLOYMENT COMPENSATION FUND

Sec. 9. (a) Establishment and Control.—There is hereby established as a special fund, separate and apart from all public moneys or funds of this State, an unemployment compensation fund, which shall be administered by the commission exclusively for the purposes of this Act. This fund shall consist of (1) all contributions collected under this Act, together with any interest thereon collected pursuant to section 14 of this Act; (2) all fines and penalties collected pursuant to the provisions of this Act; (3) interest earned upon any moneys in the fund; (4) any property or securities acquired through the use of moneys belonging to the fund; and (5) all earnings of such property or securities. All moneys in the fund shall be mingled and undivided.

(b) Accounts and Deposit.—The State Treasurer shall be treasurer and custodian of the fund who shall administer such fund in accordance with the directions of the commission and the Comptroller shall issue warrants upon it in accordance with such regulations as the commission shall prescribe. The Treasurer shall maintain within the fund three separate accounts: (1) A clearing account, (2) an unemployment trust fund account, and (3) a benefit account. All moneys payable to the fund, upon receipt thereof by the commission, shall be forwarded to the treasurer who shall immediately deposit them in the clearing account. Refunds payable pursuant to section 14 of this Act may be paid from the clearing account upon warrants issued by the Comptroller under the direction of the commission. After clearance thereof, all other moneys in the clearing account shall be immediately deposited with the Secretary of the Treasury of the United States of America to the credit of the account of this State in the unemployment trust fund, established and maintained pursuant to section 904 of the Social Security Act, as amended, any provisions of law in this State relating to the deposit, ad-

ministration, release, or disbursement of moneys in the possession or custody of this State to the contrary notwithstanding. The benefit account shall consist of all moneys requisitioned from this State's account in the unemployment trust fund. Moneys in the clearing and benefit accounts may be deposited by the treasurer, under the direction of the commission, in any bank or public depository in which general funds of the State may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund. The treasurer shall give a separate bond conditioned upon the faithful performance of his duties as custodian of the fund in an amount fixed by the commission and in a form prescribed by law or approved by the Attorney General. Premiums for said bond shall be paid from the administration fund.

(c) Withdrawals.—Moneys shall be requisitioned from this State's account in the unemployment trust fund solely for the payment of benefits and in accordance with regulations prescribed by the commission. The commission shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to its account therein, as it deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof the treasurer shall deposit such moneys in the benefit account and the Comptroller shall issue his warrants for the payment of benefits solely from such benefit account. Expenditures of such moneys in the benefit account and refunds from the clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal release by State officers of money in their custody. All warrants issued for the payment of benefits and refunds shall bear the signature of the treasurer and the countersignature of a member of the commission or its duly authorized agent for that purpose. Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which such sums were requisitioned shall either be de-

ducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or in the discretion of the commission, shall be re-deposited with the Secretary of the Treasury of the United States of America, to the credit of this State's account in the unemployment trust fund, as provided in subsection (b) of this section.

(d) Management of Funds upon Discontinuance of Unemployment Trust Fund.—The provisions of subsections (a), (b), and (c), to the extent that they relate to the unemployment trust fund, shall be operative only so long as such unemployment trust fund continues to exist and so long as the Secretary of the Treasury of the United States of America continues to maintain for this State a separate book account of all funds deposited therein by this State for benefit purposes, together with this State's proportionate share of the earnings of such unemployment trust fund, from which no other State is permitted to make withdrawals. If and when such employment trust fund ceases to exist, or such separate book account is no longer maintained, all moneys, properties, or securities therein, belonging to the unemployment compensation fund of this State shall be transferred to the treasurer of the unemployment compensation fund, who shall hold, invest, transfer, sell, deposit, and release such moneys, properties, or securities in a manner approved by the commission, in accordance with the provisions of this Act: Provided, that such moneys shall be invested in the following readily marketable classes of securities: Bonds or other interest-bearing obligations of the United States of America; and provided further, that such investment shall at all times be so made that all the assets of the fund shall always be readily convertible into cash when needed for the payment of benefits. The treasurer shall dispose of securities or other properties belonging to the unemployment compensation fund only under the direction of the commission.

UNEMPLOYMENT COMPENSATION COMMISSION

Sec. 10. (a) Organization.— There is hereby created a commission to be known as the Texas Unemployment Compensation Commission. The commission shall consist of three members, one of whom shall be a representative of Labor, one of whom shall be a representative of Employers, and one of whom shall be impartial and shall represent the public generally. Each of the three members of the commission shall be appointed by the Governor immediately after the effective date of this Act or after any vacancy occurs in the membership of the commission. During his term of membership on the commission, no member shall engage in any other business, vocation or employment. Each member shall hold office for a term of six years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed for the remainder of such term; and (2) the terms of office of the members first taking office after the date of enactment of this Act shall expire, as designated by the Governor at the time of appointment, one at the end of two years, one at the end of four years, and one at the end of six years after the date of his appointment.

(b) Chairman. — The chairman of the Texas Unemployment Compensation Commission shall be the impartial member of the commission, and shall in addition serve as the executive director of all divisions of the Texas Unemployment Compensation Commission.

(c) Divisions. — The commission shall establish two coordinate divisions: the Texas State employment service division pursuant to section 12 of this Act, and the unemployment compensation division. Each division shall be responsible for the discharge of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budget, and duties, except in so far as the commission may find that such separation is impracticable.

(d) Salaries. — The chairman of the Texas Unemployment Compen-

sation Commission and executive director shall be paid from the Unemployment Compensation Administration Fund a fixed monthly salary at the rate of \$7,500 per year, and each of the other two commissioners shall from the same fund be paid a fixed monthly salary at the rate of \$5,000 per year. From and after September 1, 1937, any sums of money paid by the State out of State funds as salaries paid the commission shall be fixed in the regular departmental appropriation bill of the State of Texas.

(e) Quorum. — Any two commissioners shall constitute a quorum, provided, however, that whenever the commission hears any case involving a disputed claim for benefits under the provisions of section 6 of this Act, the impartial member of the commission shall act alone in the absence or disqualification of any other member, and in no case shall such a hearing proceed unless the impartial member of the commission is present. Except as hereinbefore provided, no vacancy shall impair the right of the remaining commissioners to exercise all of the powers of the commission.

(f) Employees. — No person shall ever be employed by the Unemployment Compensation Commission who is not at the time of his employment a bona fide citizen of the State of Texas or who will not have been a bona fide citizen of the State of Texas for at least five consecutive years immediately next preceding the date of employment.

ADMINISTRATION

Sec. 11. (a) Duties and Powers of Commission. — It shall be the duty of the commission to administer this Act; and it shall have power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as it deems necessary or suitable to that end. Such rules and regulations shall be effective upon publication in the manner, not inconsistent with the provisions of this Act, which the commission shall prescribe. The commission shall determine its own organization and

methods of procedure in accordance with the provisions of this Act and shall have an official seal which shall be judicially noticed. Not later than the first day of February of each year, the commission shall submit to the Governor a report covering the administration and operation of this Act during the preceding calendar year and shall make such recommendations for amendments to this Act as the commission deems proper. Such report shall include a balance sheet of the moneys in the fund in which there shall be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the then current contributions, which reserve shall be set up by the commission in accordance with accepted actuarial principles on the basis of statistics of employment, business activity, and other relevant factors for the longest possible period. Whenever the commission believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, it shall promptly so inform the Governor and the Legislature, and make recommendations with respect thereto.

(b) Regulations and General and Special Rules. — General and special rules may be adopted, amended, or rescinded by the commission only after public hearing or opportunity to be heard thereon, of which proper notice has been given. General rules shall become effective ten days after filing with the Secretary of State and publication in one or more newspapers of general circulation in this State. Special rules shall become effective ten days after notification to or mailing to the last known address of the individuals or concerns affected thereby. Regulations may be adopted, amended, or rescinded by the commission and shall become effective in the manner and at the time prescribed by the commission.

(c) Publication. — The commission shall cause to be printed for distribution to the public the text of this Act, the commission's regulations and general rules, its annual reports to the Governor, and any other material the commission deems relevant and suitable and shall furnish the

same to any person upon application therefor.

(d) Personnel.—Subject to other provisions of this Act, the commission is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties. The commission shall not employ or pay any person who is an officer or committee member of any political party organization. The commission may delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this Act, and may in its discretion bond any person handling moneys or signing checks hereunder.

(e) Records and Reports.—Each employing unit shall keep true and accurate employment records, containing such information as the commission may prescribe and which is deemed necessary to the proper administration of this Act. Such records shall be open to inspection and subject to being copied by the commission or its authorized representatives at any reasonable time and as often as may be necessary. The commission may require from any employing unit any sworn or unsworn reports, with respect to persons employed by it, which the commission deems necessary for the effective administration of this Act. Information thus obtained shall not be published or be open to public inspection (other than to public employees in the performance of their public duties) in any manner revealing the employing unit's identity, but any claimant at a hearing before an appeal tribunal or the commission shall be supplied with information from such records to the extent necessary for the proper presentation of his claim. Any employee or member of the commission who violates any provision of this section shall be fined not less than \$20 nor more than \$200, or imprisoned for not longer than ninety days, or both.

(f) Oaths and Witnesses.—In the discharge of the duties imposed by this Act, the chairman of an appeal tribunal and any duly authorized representative or member of the commission shall have power to

administer oaths and affirmations, take depositions, certify to official acts, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with a disputed claim or the administration of this Act.

(g) Subpoenas.—In case of contumacy by, or refusal to obey a subpoena issued to any person, any county or district court of this State within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the commission or its duly authorized representative, shall have jurisdiction to issue to such person an order requiring such person to appear before a commissioner, the commission, or its duly authorized representative, there to produce evidence if so ordered or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof. Any person who shall without just cause fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, if it is in his power so to do, in obedience to a subpoena of the commission, shall be punished by a fine of not less than \$200 or by imprisonment for not longer than sixty days, or by both such fine and imprisonment, and each day such violation continues shall be deemed to be a separate offense.

(h) Protection Against Self-Incrimination.—No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, and other records before the commission or in obedience to the subpoena of the commission or any member thereof or any duly authorized representative of the commission in any cause or proceeding before the commission, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual

shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(i) State-Federal Cooperation.—In the administration of this Act, the commission shall cooperate to the fullest extent consistent with the provisions of this Act, with the Social Security Board, created by the Social Security Act, approved August 14, 1935, as amended; shall make such reports, in such form and containing such information as the Social Security Board may from time to time require, and shall comply with such provisions as the Social Security Board may from time to time find necessary to assure the correctness and verification of such reports; and shall comply with the regulations prescribed by the Social Security Board governing the expenditures of such sums as may be allotted and paid to this State under Title III of the Social Security Act for the purpose of assisting in the administration of this Act.

Upon request therefor, the commission shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this Act.

EMPLOYMENT SERVICE

Sec. 12. (a) State Employment Service.—The Texas State Employment Service is hereby transferred, without any change in personnel, to the commission as a division thereof, which shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act and for the purpose of performing such duties as are within the purview of the Act of Congress entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes," approved June 6,

1933 (48 Stat. 113; U. S. C., title 29, section 49 (c)), as amended. The said division shall be supervised by the Commissioner of the Bureau of Labor Statistics of the State of Texas, who shall be known as the director thereof, who shall administer such division and shall be charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of said Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices.

The director of the Texas State Employment Service shall at all times be subject to the rules and regulations and orders of the Texas Unemployment Compensation Commission in all things that affect the establishment and administration of a State Employment Service in so far as it is necessary to the proper administration of this Act. The Commissioner of the Bureau of Labor Statistics is hereby directed and authorized to appoint all of the officers and employees of the Texas Employment Service, such appointments to be in accordance with the regulations prescribed by the Director of the United States Employment Service.

(b) Financing.—All moneys received by this State under the said Act of Congress, as amended, shall be paid into the special "employment service account" in the Unemployment Compensation Administration Fund, and said moneys are hereby made available to the Texas State Employment Service to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, said division is authorized to enter into agreements with any political subdivision of this State or with any private, non-profit organization, and as a part of any such agreement the commission may accept moneys, services, or quarters as a contribution to the employment service account.

(c) Invalidity or Transfer.—In the event that this Act or any section thereof as may affect the Texas State Employment Service shall be

held or declared unconstitutional or invalid, then in that event the Texas State Employment Service as administered by the Commissioner of the Bureau of Labor Statistics prior to the transfer herein authorized shall be and remain in full force and effect as it was prior to the passage of this Act.

UNEMPLOYMENT COMPENSATION ADMINISTRATION FUND

Sec. 13. (a) Special Fund.—There is hereby created in the State Treasury a special fund to be known as the Unemployment Compensation Administration Fund. All moneys which are deposited or paid into this fund are hereby appropriated and made available to the commission. All moneys in this fund shall be expended solely for the purpose of defraying the cost of the administration of this Act, and for no other purpose whatsoever. The fund shall consist of all moneys appropriated by this State, and all moneys received from the United States of America, or any agency thereof, including the Social Security Board and the United States Employment Service, or from any other source, for such purpose, and shall be administered separate and apart from all public moneys or funds of the State. All fines and penalties collected pursuant to the administration of this Act are hereby appropriated to and shall be paid into this fund. All moneys in this fund shall be deposited, administered, and disbursed, in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State Treasury. Any balances in this fund shall not lapse at any time, but shall be continuously available to the commission for expenditure consistent with this Act. The State Treasurer shall give a separate and additional bond conditioned upon the faithful performance of his duties in connection with the Unemployment Compensation Administration Fund in an amount to be fixed by the commission and in a form prescribed by law or approved by the Attorney General. The premium for such bond and the premiums for the bond given by the Treasurer of the Unemployment Compensation Fund under section 9 of this Act, shall be

paid from the moneys in the Unemployment Compensation Administration Fund.

(b) Employment Service Account.—A special "employment service account" shall be maintained as a part of the Unemployment Compensation Administration Fund for the purpose of maintaining the public employment offices established pursuant to section 12 of this Act and for the purpose of cooperating with the United States Employment Service. There shall be paid into such account the moneys designated in section 12 (b) of this Act, and such moneys as are appropriated for the purposes of this account from any moneys received by this State under Title III of the Social Security Act, as amended.

COLLECTION OF CONTRIBUTIONS

Sec. 14. (a) Interest on Past-Due Contributions. — Contributions unpaid on the date on which they are due and payable, as prescribed by the commission, shall bear interest at the rate of 1 per centum per month from and after such date until payment plus accrued interest is received by the commission. Interest collected pursuant to this subsection shall be paid into the Unemployment Compensation Fund.

(b) Collection.—If, after due notice, any employer defaults in any payment of contributions or interest thereon, the amount due shall be collected by civil action in the name of the State and the Attorney General, and the employer adjudged in default shall pay the costs of such action. Civil actions brought under this section to collect contributions or interest thereon from an employer shall be heard by the court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this Act and cases arising under the Workmen's Compensation Law of this State.

(c) Priorities Under Legal Disolutions or Distributions.—In the event of any distribution of an employer's assets pursuant to an order of any court under the laws of this State, including any receivership, assignment for benefit of creditors,

adjudicated insolvency, composition, or similar proceeding, contributions then or thereafter due shall be paid in full prior to all other claims except taxes and claims for wages of not more than \$250 to each claimant, earned within six months of the commencement of the proceeding. In the event of an employer's adjudication in bankruptcy, judicially confirmed extension proposal, or composition, under the Federal Bankruptcy Act of 1898, as amended, contributions then or thereafter due shall be entitled to such priority as is provided in Section 64 (b) of that Act (U. S. C., Title 11, sec. 104 (b)), as amended.

(d) Refunds.—If not later than one year after the date on which any contributions or interest thereon became due, an employer who has paid such contributions or interest thereon shall make application for an adjustment thereof in connection with subsequent contribution payments, or for a refund thereof because such adjustment cannot be made, and the commission shall determine that such contributions or interest or any portion thereof was erroneously collected, the commission shall allow such employer to make an adjustment thereof, without interest, in connection with subsequent contribution payments by him, or if such adjustment cannot be made the commission shall refund said amount, without interest, from the fund. For like cause and within the same period, adjustment or refund may be so made on the commission's own initiative.

PROTECTION OF RIGHTS AND BENEFITS

Sec. 15. (a) Waiver of Rights Void.—No agreement by an individual to waive, release, or commute his rights to benefits or any other rights under this Act shall be valid. No agreement by any individual in the employ of any person or concern to pay all or any portion of an employer's contributions, required under this Act from such employer, shall be valid. No employer shall directly or indirectly make or require or accept any deduction from wages to finance the employer's contributions required from him, or require or accept any waiver of any right

hereunder by any individual in his employ. Any employer or officer or agent of an employer who violates any provision of this subsection shall, for each offense, be fined not less than \$100 nor more than \$1,000 or be imprisoned for not more than six months, or both.

(b) Limitation of Fees.—No individual claiming benefits shall be charged fees of any kind in any proceeding under this Act by the commission or its representatives or by any court or any officer thereof. Any individual claiming benefits in any proceeding before the commission or a court may be represented by counsel or other duly authorized agent; but no such counsel or agents shall either charge or receive for such services more than an amount approved by the commission. Any person who violates any provision of this subsection shall for each such offense, be fined not less than \$50 nor more than \$500, or imprisoned for not more than six months, or both.

(c) No Assignment of Benefits; Exemptions.—No assignment, pledge, or encumbrance of any right to benefits which are or may become due or payable under this Act shall be valid; and such rights to benefits shall be exempt from levy, execution, attachment, or any other remedy whatsoever provided for the collection of debt; and benefits received by any individual, so long as they are not mingled with other funds of the recipient, shall be exempt from any remedy whatsoever for the collection of all debts except debts incurred for necessities furnished to such individual or his spouse or dependents during the time when such individual was unemployed. No waiver of any exemption provided for in this subsection shall be valid.

PENALTIES

Sec. 16. (a) Whoever makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain or increase any benefit or other payment under this Act, either for himself or for any other person, shall be punished by a fine of not less than \$20 nor more than \$50, or by imprisonment for not longer than thirty days, or by both such

fine and imprisonment; and each such false statement or representation or failure to disclose a material fact shall constitute a separate offense.

(b) Any employing unit or any officer or agent of an employing unit or any other person who makes a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact, to prevent or reduce the payment of benefits to any individual entitled thereto, or to avoid becoming or remaining subject hereto or to avoid or reduce any contribution or other payment required from an employing unit under this Act, or who willfully fails or refuses to make any such contributions or other payment or to furnish any reports required hereunder or to produce or permit the inspection or copying of records as required hereunder, shall be punished by a fine of not less than \$20 nor more than \$200, or by imprisonment for not longer than sixty days, or by both such fine and imprisonment; and each such false statement or representation or failure to disclose a material fact, and each day of such failure or refusal shall constitute a separate offense.

(c) Any person who shall willfully violate any provision of this Act or any rule or regulation thereunder, the violation of which is made unlawful or the observance of which is required under the terms of this Act, and for which a penalty is neither prescribed herein nor provided by any other applicable statute, shall be punished by a fine of not less than \$20 nor more than \$200, or by imprisonment for not longer than sixty days, or by both such fine and imprisonment, and each day such violation continues shall be deemed to be a separate offense.

(d) Any person who, by reason of the nondisclosure or misrepresentation by him or by another, of a material fact (irrespective of whether such nondisclosure or misrepresentation was known or fraudulent) has received any sum as benefits under this Act while any conditions for the receipt of benefits imposed by this Act were not fulfilled in his case, or while he was disqualified from receiving benefits, shall, in the discretion of the com-

mission, either be liable to have such sum deducted from any future benefits payable to him under this Act or shall be liable to repay to the commission for the unemployment compensation fund, a sum equal to the amount so received by him, and such sum shall be collectible in the manner provided in section 14 (b) of this Act for the collection of past-due contributions.

REPRESENTATION IN COURT

Sec. 17. (a) In any civil action to enforce the provisions of this Act the commission and the State shall be represented by an Assistant Attorney General who shall be appointed by the Attorney General and designated to perform such legal duties as may be required of him by the commission, and who shall institute in the name of the State and in the name of the Attorney General any civil action requested of him by the commission. Such Assistant Attorney General shall be paid by the Unemployment Compensation Commission for the services performed by such Assistant Attorney General solely for the commission. Such Assistant Attorney General may be assisted by any other qualified attorneys who are regularly employed by the commission.

(b) All criminal actions for violation of any provision of this Act or of any rules or regulations issued pursuant thereto, shall be prosecuted by the Attorney General of the State; or, at his request and under his direction, by the prosecuting attorney of any county in which the employer has a place of business or the violator resides.

NONLIABILITY OF STATE

Sec. 18. Benefits shall be deemed to be due and payable under this Act only to the extent provided in this Act and to the extent that moneys are available therefor to the credit of the unemployment compensation fund, and neither the State nor the commission shall be liable for any amount in excess of such sums.

DEFINITIONS

Sec. 19. As used in this Act, unless the context clearly requires otherwise:

(a) (1) "Annual pay roll" means the total amount of wages payable by

an employer (regardless of the time of the payment) for employment during a calendar year.

(2) "Average annual pay roll" means the average of the annual pay rolls of any employer for the last three or five preceding calendar years, whichever average is higher.

(b) "Benefits" means the money payments payable to an individual, as provided in this Act, with respect to his unemployment.

(c) "Commission" means the Unemployment Compensation Commission established by this Act.

(d) "Contributions" means the money payments to the State Unemployment Compensation Fund required by this Act.

(e) "Employing unit" means any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or subsequent to January 1, 1935, had in its employ one or more individuals performing services for it within this State. All individuals performing services within this State for any employing unit which maintains two or more separate establishments within this State shall be deemed to be employed by a single employing unit for all purposes of this Act. Whenever any employing unit contracts with or has under it any contractor or subcontractor for any employment which is part of its usual trade, occupation, profession, or business, unless the employing unit as well as each such contractor or subcontractor is an employer by reason of section 19 (f) or section 8 (c) of this Act, the employing unit shall for all the purposes of this Act be deemed to employ each individual in the employ of each such contractor or subcontractor for each day during which such individual is engaged in performing such employment; except that each such contractor or subcontractor who is an employer by reason of section 19 (f) or section 8 (c) of this Act shall alone be liable for the contributions measured by wages payable to individuals in his employ, and except that any employing unit who shall become liable for and pay contributions with respect to individuals

in the employ of any such contractor or subcontractor who is not an employer by reason of section 19 (f) or section 8 (c) of this Act, may recover the same from such contractor or subcontractor. Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all the purposes of this Act, whether such individual was hired or paid directly by such employing unit or by such agent or employee, provided the employing unit had actual or constructive knowledge of the employment.

(f) "Employer" means:

(1) Any employing unit which for some portion of a day, but not necessarily simultaneously, in each of twenty different weeks, whether or not such weeks are or were consecutive, within either the current or the preceding calendar year, has or had in employment, eight or more individuals (irrespective of whether the same individuals are or were employed in each such day);

(2) Any employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this Act;

(3) Any employing unit which acquired the organization, trade or business, or substantially all the assets thereof, of another employing unit and which, if treated as a single unit with such other employing unit, would be an employer under paragraph (1) of this subsection;

(4) Any employing unit which together with one or more other employing units, is owned or controlled (by legally enforceable means or otherwise) directly or indirectly by the same interest, or which owns or controls one or more other employing units (by legally enforceable means or otherwise), and which, if treated as a single unit with such other employing unit, would be an employer under paragraph (1) of this subsection;

(5) Any employing unit which, having become an employer under paragraph (1), (2), (3), or (4), has not, under section 8, ceased to be an employer subject to this Act; or

(6) For the effective period of its election pursuant to section 8 (c) any

other employing unit which has elected to become fully subject to this Act.

(g) "Employment" means service, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied, which service (1) is performed in this State by an individual exclusive, however, of any service within this State which is incidental to the individual's service performed elsewhere; or (2) is performed elsewhere, but is incidental to an individual's service in this State, provided contributions are not required and paid with respect to such services performed elsewhere under an unemployment compensation law of any other State; but the term shall not include:

(1) Service performed in the employ of this State, or of any political subdivision thereof, or of any instrumentality of this State or its political subdivisions.

(2) Service performed in the employ of any other State or its political subdivisions, or of the United States Government, or of an instrumentality of any other State or States or their political subdivisions or of the United States.

(3) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress: Provided, that the Commission is hereby authorized and directed to enter into agreements with the proper agencies under such Act of Congress, which agreement shall become effective ten days after publication thereof in the manner provided in section 11 (b) of this Act for general rules, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this Act, acquired rights to unemployment compensation under such Act of Congress, or who have, after acquiring potential rights to unemployment compensation under such act of Congress, acquired rights to benefits under this Act.

(4) Agricultural labor;

(5) Domestic service in a private home;

(6) Service performed as an officer or member of the crew of a vessel on the navigable waters of the United States;

(7) Service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;

(8) Service performed in the employ of a corporation, community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of net earnings of which inures to the benefit of any private shareholder or individual.

(9) In determining employees under this Act and in determining employers under this Act, and in determining wages under this Act, neither term shall include employment of or service by agents of insurance companies who collect their compensation on a commission basis.

(h) "Employment office" means a free public employment office, or branch thereof, operated by this State or maintained as a part of a State-controlled system of public employment offices.

(i) "Fund" means the Unemployment Compensation Fund established by this Act, to which all contributions required and from which all benefits provided under this Act shall be paid.

(j) "Partial Unemployment" — An individual shall be deemed "partially unemployed" in any week of less than full-time work if his wages payable for such week are less than six-fifths of the weekly benefit amount he would be entitled to receive if totally unemployed and eligible.

(k) "State" includes, in addition to the States of the United States of America, Alaska, Hawaii, and the District of Columbia.

(l) "Total Unemployment." — An individual shall be deemed "totally unemployed" in any week during which he performs no services with respect to which wages are payable to him. An individual's week of total unemployment shall be deemed to commence only after his registration pursuant to section 4 (a) of this Act.

(m) "Unemployment Compensation Administration Fund" means the Unemployment Compensation Administration Fund established by this Act, from which administrative expenses under this Act shall be paid.

(n) "Wages" means all remuneration payable for personal services, including commissions and bonuses and the cash value of all remuneration payable in any medium other than cash. Gratuities customarily received by an individual in the course of his employment from persons other than his employing unit shall be treated as wages payable by his employing unit. The reasonable cash value of remuneration payable in any medium other than cash, and the reasonable average amount of gratuities, shall be estimated and determined in accordance with rules prescribed by the commission.

(o) "Week" means calendar week, ending at midnight Saturday, or the equivalent thereof as determined in accordance with regulations prescribed by the commission. Before a regulation becomes a general rule, the commission shall find that such rule shall be fair and reasonable with respect to all affected parties.

(p) "Week of employment" means each week occurring after December 31, 1936, within which an individual performs any employment for an employing unit which has satisfied the conditions set forth in section 19 (f) with respect to becoming an employer subject to this Act, but does not include any week in which the plurality of such individual's total working hours are performed without this State, with respect to which plurality of total working hours, contributions are required and paid under an unemployment compensation law of some other State, or compensation is payable under an unemployment compensation law of the United States.

(q) "Weekly Benefit Amount".—An individual's "weekly benefit amount" means the amount of benefits he would be entitled to receive for one week of total unemployment.

Sec. 20. No department included in this Act shall use any of the means of funds appropriated to such department, either directly or indirectly, for the purpose of telephoning, telegraphing or sending out literature, propaganda, letters or bulletins, or any other matter, printed or written, that will influence or tend to influence, in any way, the election of any candidate for office or the passage or defeat of any law or appropriation affecting any department included in this bill; and provided,

further, that no stenographer or other employee whose salary is paid from funds provided under this Act, may be used or employed in any manner in the preparation or mailing out, or in any way handling such literature, propaganda, letters or bulletins, or any other matter, printed or written, that will influence, or tend to influence, in any way the election of any candidate for office or the passage or defeat of any law or appropriation affecting any department included in this Act, and no such work shall be done or performed in any of the offices or rooms of the Capitol or any other State building.

It is hereby declared unlawful for any person employed in any capacity in any of the departments to engage in or take part in any political campaign in relation to matters directly affecting the particular department in which the particular employee is employed, and/or concerning the election or re-election of any candidate for the head of the particular department by which such employee is employed; by "engaging in a political campaign" or "taking part in a political campaign" is meant and shall include distributing circulars, hand bills, posting pictures, handing out cards, making speeches, thereby soliciting or opposing the election of any candidate for office as the head of such department whereby the offending employee is employed.

It is further declared unlawful for any employee of this department to go outside of the county of the residence of such employee and in any manner campaign for or against the election and/or re-election of any candidate for public office other than such department head of the department in which such employee is employed.

Any such employee, engaging in such inhibited and unlawful conduct, shall be subject to removal from his position and restraint from re-employment in such department or any other department of government or subdivision thereof, for a period of five years by a judgment in the district court of the county wherein such unlawful activity occurred. Any five or more qualified voters, residents of such county, shall have the authority to institute a suit in a district court of such county, praying for the removal of such employee from such department, citing such employee and

the head of the department, and upon final hearing the allegations of the petition being sustained, the judgment shall be to discharge the employee and restraining the head of the department from re-employing such employee for a period of one year from the date of the judgment.

It is hereby further declared unlawful for any person authorized to use a State-owned automobile, in connection with any business of the State, to use such automobile in connection with any campaign in which such department is directly interested, or in behalf of the campaign for re-election of the head of any department, and/or in any other manner, time or place than when such automobile is being used in the interest of and for the purpose of carrying out departmental State business. Any person violating this section shall, upon final conviction, be subject to a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00). In the event such use of such automobile is being made with the knowledge of the head of any department, having charge of such automobile, then such department head shall also be liable to punishment in a fine of two hundred dollars (\$200.00). Any court of competent jurisdiction in the county where this law is violated shall have jurisdiction to try such cause.

It is hereby made the duty of every department head to furnish every employee of his department a copy of the law set out in the preceding three paragraphs, and to take the receipt of such employee therefor. These receipts shall at all times be kept accessible for public inspection and failure of any department head to comply with this mandate, shall constitute malfeasance in office, and upon judgment so adjudicating such department head shall be removed from office.

Sec. 21. Savings Clause.—The Legislature reserves the right to amend or repeal all or any part of this Act at any time; and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this Act or by acts done pursuant thereto shall exist subject to the power of the Legislature to amend or repeal this Act at any time.

Sec. 22. Separability of Provisions.

(a) If any section, subsection, paragraph, sentence, clause, phrase,

or word of this Act, or the application thereof to any person or circumstance, is held invalid, such holding shall not affect the validity of the remaining portions of the Act, and the Legislature hereby declares that it would have passed such remaining portions despite such invalidity.

(b) In the event that the provisions of this Act which impose a compulsory contribution be declared invalid or void for any reason, the remainder of the Act shall nevertheless remain in full force and effect; and it is declared to be the intention of the Legislature that the remainder of the Act would have been enacted without the provisions imposing contributions. It is further enacted that in the event the provisions of this Act which impose contributions, are held invalid or void, all payments which have been voluntarily made under the provisions of the Act shall be and remain the property of the fund to which they are deposited; and that employers shall have the right to continue to make voluntary contributions for unemployment insurance under this Act.

(c) In the event it shall be determined and held by the courts that the provisions of this State Act imposing compulsory contributions is invalid and void, it shall be the duty of the Commission to make such refunds to individual contributors as are entitled to the same.

Sec. 23. General Provisions.—In all cases where the commission is given authority to make investigations, to assemble information and to require the submission of documentary or oral testimony it is the intention of the Legislature to grant to the commission only such powers as are necessary for the commission to exercise in order that they may properly administer this Act.

Sec. 24. Provisions for termination of Act and Return of Contribution.—In the event the Supreme Court of the United States hold the Federal Social Security Act approved by the President August 14, 1935, unconstitutional or inoperative for any reason whatsoever, then in that event the powers, duties and levies herein provided for, shall have no further force or effect and the commission shall cease to function and all payments of levies and taxes made hereunder and then remaining unexpended

shall be upon proper proof returned ratably to those making such payments, and it shall be the duty of the Unemployment Compensation Commission to perform this Act, and the Unemployment Compensation Commission shall remain in performance of this duty only until such Act has been performed.

Sec. 25. Emergency Clause.—The fact that Texas has no unemployment insurance system to supplement the Federal Social Security Program creates an emergency and an imperative public necessity requiring the suspension of the Constitutional Rule requiring bills to be read on three several days in each House, and the Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Canon moved that the House recess to 10:00 o'clock a. m., next Monday.

The motion was lost.

Mr. Aikin moved that the Conference Committee Report on Senate Bill No. 5, be printed in the Journal and that same be not read at this time.

(Mr. Hyder in the Chair.)

Mr. Cooper moved that the House adjourn until 10:00 o'clock a. m., Monday, October 26.

Mr. Dunlap of Hays moved that the House recess to 10:00 o'clock a. m., tomorrow.

Mr. Harris of Dallas moved that the House recess to 7:30 o'clock p. m., today.

Mr. Jones of Wise moved that the House adjourn until 10:00 o'clock a. m., Friday, October 23.

Question first recurring on the motion by Mr. Jones of Wise to adjourn until 10:00 o'clock a. m., Friday, October 23, yeas and nays were demanded.

The roll of the House was called on the above motion, and the vote announced as follows:

Yeas, 57, nays 57.

Mr. Pope requested a verification of the vote.

The roll of the "yeas" and "nays" was again called, and the verified vote resulted as follows:

Yeas—53

Adamson	Hoskins
Adkins	Huddleston
Ash	Hunter
Bradbury	Jones of Falls
Bridgers	Jones of Shelby
Butler of Brazos	Jones of Wise
Caldwell	King
Celaya	Lindsey
Crossley	Lotief
Daniel	Luker
Davis	McConnell
Davison of Fisher	Morris
Dunlap of Kleberg	Nicholson
Farmer	Olsen
Fisher	Patterson
Ford	Pope
Gibson	Reader
Glass	Reed of Dallas
Greathouse	Roark
Hanna	Roberts
Harper	Settle
Harris of Archer	Stovall
Hartzog	Tillery
Head	Westfall
Herzik	Young
Hill	Youngblood
Holland	

Nays—63

Aikin	Lange
Alsup	Lanning
Atchison	Latham
Bergman	Lemens
Bourne	Mauritz
Bradford	McCalla
Broadfoot	Moffett
Burton	Morrison
Butler of Karnes	Newton
Cagle	Payne
Canon	Quinn
Collins	Reed of Bowie
Colson	Roach of Hunt
Cooper	Roane
Cowley	Russell
Craddock	Rutta
Davisson	Scarborough
of Eastland	Sessions
Dickison	Shofner
Dunlap of Hays	Smith
Duvall	Spears
Dwyer	Steward
Fain	Stinson
Fox	Tarwater
Fuchs	Tennyson
Hardin	Thornton
Harris of Dallas	Venable
Hodges	Waggoner
Howard	Wells
Hunt	Wood of Harrison
Jackson	Wood of Montague
Knetsch	Worley

Absent

Alexander	Leath
Calvert	Leonard
Colquitt	McFarland
Dunagan	Moore
England	Morse
Graves	Palmer
Gray	Petsch
Hofheinz	Riddle
Hyder	Roach of Angelina
Jefferson	Rogers
Jones of Atascosa	Stanfield
Keefe	Walker

Absent—Excused

Broyles	Lucas
Frazer	McKee
Good	McKinney
Hankamer	Padgett
James	

The Chair announced that the motion was lost.

SENATE BILLS ON FIRST
READING

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

S. B. No. 22, to the Committee on Municipal and Private Corporations.

S. B. No. 16, to the Committee on Education.

S. B. No. 24, to the Committee on Education.

S. B. No. 25, to the Committee on Game and Fisheries.

S. B. No. 26, to the Committee on Public Lands and Buildings.

Question next recurring on the motion by Mr. Cooper, to adjourn until 10:00 o'clock a. m., Monday, October 26, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—25

Bergman	Hunt
Bourne	Keefe
Broadfoot	Lange
Caldwell	McCalla
Cooper	Reader
Daniel	Riddle
Davisson	Roach of Angelina
of Eastland	Roach of Hunt
Dickison	Roane
Duvall	Russell
Harris of Dallas	Scarborough
Hodges	Shofner
Howard	Spears

Nays—93

Adamson	Jones of Falls
Adkins	Jones of Shelby
Aikin	Jones of Wise
Alsup	King
Ash	Knetsch
Atchison	Lanning
Bradbury	Latham
Bradford	Lemens
Bridgers	Lindsey
Burton	Lotief
Butler of Brazos	Luker
Butler of Karnes	Mauritz
Cagle	McConnell
Canon	McKinney
Celaya	Moffett
Collins	Morris
Colson	Morrison
Cowley	Newton
Craddock	Nicholson
Crossley	Patterson
Davis	Payne
Davison of Fisher	Pope
Dunlap of Hays	Quinn
Dunlap of Kleberg	Reed of Bowie
Dwyer	Reed of Dallas
England	Roark
Fain	Roberts
Farmer	Rogers
Fisher	Rutta
Ford	Sessions
Fox	Settle
Fuchs	Smith
Gibson	Steward
Glass	Stinson
Greathouse	Tarwater
Hanna	Tennyson
Hardin	Thornton
Harper	Venable
Harris of Archer	Waggoner
Hartzog	Wells
Head	Westfall
Herzik	Wood of Harrison
Hill	Wood of Montague
Holland	Worley
Hoskins	Young
Hunter	Youngblood
Jackson	

Absent

Alexander	Leonard
Calvert	McFarland
Colquitt	Moore
Dunagan	Morse
Graves	Olsen
Gray	Palmer
Hofheinz	Petsch
Huddleston	Stanfield
Hyder	Stovall
Jefferson	Tillery
Jones of Atascosa	Walker
Leath	

Absent—Excused

Broyles	James
Frazer	Lucas
Good	McKee
Hankamer	Padgett

Question then recurring on the motion by Mr. Harris of Dallas to recess to 7:30 o'clock p. m., today, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—46

Adkins	Howard
Aikin	Jones of Shelby
Atchison	Jones of Wise
Bourne	Keefe
Bradbury	Knetsch
Bradford	Lanning
Broadfoot	Latham
Burton	Lemens
Canon	Mauritz
Celaya	Moffett
Collins	Quinn
Cooper	Reed of Dallas
Cowley	Rogers
Daniel	Russell
Dwyer	Settle
England	Smith
Fisher	Steward
Fox	Stinson
Glass	Stovall
Greathouse	Tennyson
Harris of Dallas	Wells
Hill	Wood of Harrison
Hodges	Worley

Nays—70

Adamson	Harper
Alsup	Harris of Archer
Ash	Hartzog
Bergman	Head
Bridgers	Herzik
Butler of Brazos	Holland
Butler of Karnes	Hoskins
Colson	Hunt
Craddock	Hunter
Davis	Jackson
Davison of Fisher	Jones of Falls
Davisson	King
of Eastland	Lange
Dickison	Lindsey
Dunlap of Hays	Lotief
Dunlap of Kleberg	Luker
Duvall	McCalla
Fain	McConnell
Farmer	McKinney
Ford	Morris
Fuchs	Morrison
Gibson	Newton
Good	Nicholson
Hanna	Patterson
Hardin	Payne

Pope	Shofner
Reader	Spears
Reed of Bowie	Tarwater
Riddle	Thornton
Roach of Angelina	Venable
Roach of Hunt	Waggoner
Roane	Westfall
Roberts	Wood of Montague
Rutta	Young
Scarborough	Youngblood
Sessions	

Absent

Alexander	Jones of Atascosa
Cagle	Leath
Caldwell	Leonard
Calvert	McFarland
Colquitt	Moore
Crossley	Morse
Dunagan	Olsen
Graves	Palmer
Gray	Petsch
Hofheinz	Roark
Huddleston	Stanfield
Hyder	Tillery
Jefferson	Walker

Absent—Excused

Broyles	Lucas
Frazer	McKee
Hankamer	Padgett
James	

EXPRESSING APPRECIATION OF
DR. J. C. DAVIS

Mr. Bradbury offered the following resolution:

Whereas, One of our fellow Members Dr. J. C. Davis, has administered to the ills and needs of many of the Members of the Forty-fourth Legislature; and

Whereas, His medical advice and assistance has been of great good and in every instance has proved extremely useful to the Members; and

Whereas, This service has been rendered without charge, but has been done through his courtesy, mercy, and kindness to those who were suffering and sick; therefore, be it

Resolved by the Members of the Forty-fourth Legislature, That Dr. Davis be thanked for his services and help and that he be extended our heartfelt appreciation for his patience in giving medical attention to the members of the said Legislature.

BRADBURY,
NEWTON,
COOPER,
HYDER,
McKINNEY,
CANON.

The resolution was read second time, and was adopted.

RECESS

On motion of Mr. Tennyson, the House at 5:15 o'clock p. m., took recess to 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills as follows:

Appropriations: House Bills Nos. 60, 66, 78 and 79.

Conservation and Reclamation: Senate Bill No. 14.

Counties: House Bill No. 72.

Criminal Jurisprudence: House Bill No. 69.

Education: House Bill No. 65.

Game and Fisheries: House Bills Nos. 64, 68, 74, 75 and 80, and Senate Bills Nos. 19 and 25.

Highways and Motor Traffic: Senate Bill No. 17.

Judiciary: House Bills Nos. 76 and 82, and Senate Bill No. 20.

Municipal and Private Corporations: Senate Bill No. 22.

Public Lands and Buildings: House Bills Nos. 52, 70, 71, 73, 77, and Senate Bill No. 26.

State Affairs: House Bills Nos. 43, 44 and 67.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Committee Room,

Austin, Texas, October 22, 1936.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 54, A bill to be entitled "An Act to amend Sections 6, 9, 10, 11, 13 and 17 of Article No. 6243a, Title 109, page 1565, Chapter 387, Section 1, Acts of 1935, being House Bill No. 122, passed by the 44th Legislature, First Called Session, relating to eligibility to participate in Pension Fund; extending and providing the time of making application for membership and participation therein; providing the amount of pension benefits to members of the Pen-

sion Fund and beneficiaries; providing a savings clause and a clause which repeals all Acts and laws heretofore made in conflict herewith including city ordinances; and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, October 22, 1936.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 63, A bill to be entitled "An Act amending Article 3188 of the Revised Civil Statutes of Texas, 1925, designating State Hospitals to which insane, epileptic, and feeble-minded persons may be committed for care or treatment and providing for the transfer of patients from one institution to another, and providing for the commitment and transfer of such patients to the United States Veterans' Administration or such other agency or department of the United States as will accept such patients for care or treatment, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

Committee Room,

Austin, Texas, October 22, 1936.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 64, A bill to be entitled "An Act to amend House Bill No. 423, Acts of the Forty-fourth Legislature, Regular Session, by providing that Limestone County be excepted from the provisions of said bill, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

HODGES, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, October 22, 1936.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 19, Authorizing the Secretary of the State to supply Colleges, Universities, and Public Schools with volumes of the House and Senate Journals.

Has carefully compared same and finds it correctly enrolled.

ROANE, Vice-Chairman.

Committee Room,

Austin, Texas, October 22, 1936.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred "H. B. No. 63,

An Act amending Article 3188 of the Revised Civil Statutes of Texas, 1925, designating State hospitals to which insane, epileptic, and feeble-minded persons may be committed for care or treatment; providing for the transfer of patients from one institution to another; providing for the commitment and transfer of such patients to the United States Veterans' Administration or such other agency or department of the United States as will accept such patients for care or treatment, and declaring an emergency."

Has carefully compared same and finds it correctly enrolled.

ROANE, Vice-Chairman.

THIRTEENTH DAY

(Continued)

(Friday, October 23, 1936.)

The House met at 10:00 o'clock a. m., and was called to order by Speaker Stevenson.

BILLS ORDERED NOT PRINTED

On motion of Mr. Moffett, Senate Bill No. 24 was ordered not printed.

On motion of Mr. Nicholson, House Bill No. 77 was ordered not printed.

BILL LAID ON THE TABLE SUBJECT TO CALL

On motion of Mr. Nicholson, House Bill No. 77 was laid on the table subject to call.

RELATIVE TO HOUSE BILL NO. 78

Mr. Bradford moved that House Bill No. 78 be printed in mimeograph form and not otherwise printed.

Mr. Hyder raised a point of order, on further consideration of House Bill No. 78, on the ground that the subject matter contained in the bill has not been submitted by the Governor.

The Speaker sustained the point of order.

LEAVES OF ABSENCE GRANTED

(By unanimous consent.)

Mr. Stanfield was granted leave of absence for this week, on account of important business, on motion of Mr. England.

Mr. James, Mr. Hankamer, Mr. Frazer, Mr. McKinney and Mr. Good were granted temporary leaves of absence for today, on account of important committee work on House Bill No. 8.

Mr. Broyles was granted leave of absence for today, on account of a death in his family, on motion of Mr. Shofner.

Mr. Roane was granted leave of absence for today, on account of important business, on motion of Mr. Thornton.

Mr. Canon was granted leave of absence for this morning, on account of important business, on motion of Mr. Hodges.

MESSAGE FROM THE SENATE

Austin, Texas, October 23, 1936.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed the following:

S. B. No. 21, A bill to be entitled "An Act amending Sections 17 and 17-A of Chapter 126 of the Acts of the Regular Session of the Forty-fourth Legislature; and declaring an emergency."

S. B. No. 27, A bill to be entitled "An Act validating the transfer of territory affecting certain Consolidated and Independent School Districts, and declaring an emergency."

S. B. No. 30, A bill to be entitled "An Act to validate all proceedings, orders, resolutions, city ordinances, etc., pertaining to Home Rule, and declaring an emergency."

Respectfully,

BOB BARKER,
Secretary of the Senate.